OBLIGATION TO PRESENT THE LAST WILL IN THE LAW OF JUSTINIAN

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Roman law, like contemporary legal systems, recognised the priority of testamentary inheritance over non-testamentary inheritance.[1] The acquisition of an inheritance based on a last will required its official opening. It took place in the course of a verbal process, the elements of which are described in legal sources and opening reports preserved.[2] The implementation of the official procedure of a will opening was preceded by two actions: the submission of a will and convening the witnesses to it or trustworthy people in case of witnesses' absence. Their task was to confirm authenticity of the submitted document.[3] The fastest possible submission and opening of the document was in the interest of all who expected or were sure to be the beneficiaries of the testator's testamentary decisions.

The article aims to explain who, in accordance with the law of Justinian, was obliged to submit the will developed and left by the testator to a competent official in order to open it and reveal its content as well as make copies. The other issue discussed concerns the application of an interdict *de tabulis exhibendis* in case of difficulties occurring on the part of a will holder, both before its official opening and in the course of its execution.

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1 Tab. 5,3; D. 50,16,120 (*Pomponius libro 5 ad Quintum Mucium*); Nov. 22,2 pr.; P.F. Girard, *Manuel elementaire de droit romain*, Paris 2003, p. 842; B. Albanese, *Osservazioni su XII Tab. 5,3 (Uti legassit..., ita ius esto)*, Annali del Seminario Giuridico dell'Università di Palermo 1(45)/1998, pp. 35–66; M. and J. Zabłoccy, *Ustawa XII tablic. Tekst – tłumaczenie – objaśnienia* [Statute of 12 tables. Text – translation – explanation], Warsaw 2000, pp. 30–33; S. Kursa, *Vigor reguły nemo pro parte testatus pro parte intestatus decedere potest w prawie rzymskim* [The effect of the rule of *memo pro parte intestatus decedere potest* in the Roman law], Studia Prawnoustrojowe 27/2015, pp. 34–36.

2 First of all, PS. 4,6 (*De vicesima*); D. 29,3 (*Testamenta quemadmodum aperiuntur inspiciantur et describantur*); C. 6,32 (*Quemadmodum aperiantur testamenta et inspiciantur et describantur*); P. Ital. I 5 (B VI 12–VII 11); P. Ital. I 6.

3 D. 29,3,4 (*Ulpianus libro 50 ad edictum*); D. 29,3,5 (*Paulus libro 8 ad Plautium*); D. 29,3,7 (*Gaius libro 7 ad edictum provinciale*); R. Martini, *Sulla presenza dei "signatores" all'apertura del testamento*, [in:] *Studi in onore di Giuseppe Grosso*, Vol. 1, Torino 1968, pp. 485–495.

1. THE WILL HOLDER

The law of Justinian did not lay down an obligation to deposit a will with a particular person or a specific authority. It was left to a testator's discretion and he could deposit a will with a chosen most trusted person. However, the law recommended applying the principle expressed by Ulpian in the fiftieth book of the commentary *ad edictum*:

D. 22,4,6 (*Ulpianus libro 50 ad edictum*): *Si de tabulis testamenti deponendis agatur et dubitetur, cui eas deponi oportet, semper seniorem iuniori et amplioris honoris inferiori et marem feminae et ingenuum libertino praeferemus.*

Ulpian recommended that, in case of a dilemma who a testator should deposit his will with, he should choose an older person rather than a younger one, a person holding a higher position rather than one of a lower social status, a man rather than a woman, and a freeborn citizen rather than a freedman. Such preference resulted from classical criteria applied also in relation to other documents retention.

In the next fragment of the sixty-eighth book of the commentary *ad edictum*, also preserved in the Digest of Justinian, Ulpian presents a case in which a man called Titus gave a will deposited with him to the custody of another person.

D. 43,5,3,2 (*Ulpianus libro 68 ad edictum*): *Si tabulae testamenti apud aliquem depositae sunt a Titio, hoc interdicto agendum est et cum eo qui detinet et cum eo qui deposuit.*

The text does not explain, however, who Titus was: an heir, a beneficiary or a third person. Next, Ulpian mentions that a temple guard or a *tabularius* (an archivist) might be a holder of a deposited will, or it might even be held in the custody of a slave.

D. 43,5,3,3–4 (*Ulpianus libro 68 ad edictum*): 3. *Proinde et si custodiam tabularum aedituus vel tabularius suscepit, dicendum est teneri eum interdicto.* 4. *Si penes servum tabulae fuerint, dominus interdicto tenebitur.*

Thus, a testator's will, before its opening, might be kept by different people, those interested in the inheritance, third parties as well as those whose job was to hold custody of documents, i.e. temple guards[4] and archivists. It is necessary to remember that wills developed at official witnesses' presence were kept in imperial, curial or court archives.[5]

2. PREMISES OF AN INTERDICT *DE TABULIS EXHIBENDIS*

The release of a will to people who had a legal interest to get to know its content was the holder's moral and legal duty. Usually, right after the testator's death, a holder appeared before an official and presented the document held. The fragment

[4] H. Vidal, *Le dépôt in aede*, Revue Historique de Droit Français et Étranger, 43/1965, pp. 573–574.

[5] C. 6,23,18 (*Arcadius, Honorius*); C. 6,23,19,1 (*Honorius, Theodosius*); S. Kursa, *Testator i formy testamentu w rzymskim prawie justyniańskim* [Testator and forms of the last will in the Roman law of Justinian], Warsaw 2017, pp. 288 and 297.

of the Digest of Justinian, the sixty-eighth book of comments *ad edictum* by Ulpian, indicate how he should behave:

D. 43,5,1,1 (*Ulpianus libro 68 ad edictum*): *Si quis forte confiteatur penes se esse testamentum, iubendus est exhibere, et tempus ei dandum est, ut exhibeat, si non potest in praesentiarum exhibere. Sed si neget se exhibere posse vel oportere, interdictum hoc competit.*

According to this description, the holder who admitted that he had a will should show it *quam primum*. In case he could not do this because of objective reasons, the official set a deadline for its provision.[6] In the event the holder claimed he could not or should not reveal it, the official was entitled to apply an interdict *de tabulis exhibendis*.[7]

Not only an heir but also other persons mentioned in a will had the right to get acquainted with it and make copies.

D. 43,5,3,10 (*Ulpianus libro 68 ad edictum*): *Solent autem exhiberi tabulas desiderare omnes omnino, qui quid in testamento adscriptum habent.*

Ulpian made comments on it also in the fiftieth book of commentaries on the edict.

D. 29,3,2 pr. (*Ulpianus libro 50 ad edictum*): *Tabularum testamenti instrumentum non est unius hominis, hoc est heredis, sed universorum, quibus quid illic adscriptum est: quin potius publicum est instrumentum.*

According to the last words of this fragment, added by the compilers,[8] a will was a public document rather than a private one. Luigi De Sarlo notices that the adjective *publicum* refers to the nature of the document and he states that there was no distinction between public and private documents in the classical law. In his opinion, the change introduced by Justinian's compilers aimed to emphasise that will tables referred to all beneficiaries and not only to heirs,[9] and their opening was in the public interest, which was to fulfil the entire will of the testator.[10] Moreover, the author believes that the quoted fragment in the Justinian's compilation as well as in Lenel's *Palingenesia* was placed under the title *Testamenta quemadmodum aperiuntur inspiciantur et describantur*, and based on that, he holds that Ulpian, in a more precise

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[6] Also see D. 29,3,2,7 (*Ulpianus libro 50 ad edictum*): *Utrum autem in continenti potestatem inspiciendi vel describendi iubet an desideranti tempus dabit ad exhibitionem? Et magis est, ut dari debeat secundum locorum angustias seu prolixitates*. There was a suspicion that the text was interpolated with the words *debeat secundum locorum angustias seu prolixitates*; see, *Index interpolationum…*, Vol. 2, col. 217. However, such an addition is not in conflict with Ulpian's original statement and was to make it more precise.

[7] G. Gandolfi, *Contributo allo studio del processo interdittale romano*, Milano 1955, p. 13; A. Biscardi, *La tutela interdittale ed il relativo processo. Corso di lezioni 1955–1956*, Rivista di diritto romano. Periodico di storia del diritto romano di diritti antichi e della tradizione romanistica medioevale e moderna, 2/2002, p. 35. Also see, D. 29,3,2,8 (*Ulpianus libro 50 ad edictum*): *Si quis non negans apud se tabulas esse non patiatur inspici et describi, omnimodo ad hoc compelletur: si tamen neget penes se tabulas esse, dicendum est ad interdictum rem mitti quod est de tabulis exhibendis*; P. Fuenteseca, *Investigaciones de derecho procesal romano*, Salamanca 1969, pp. 148–149. On the issue of this text interpolation, see B. Biondi, *Appunti intorno alla sentenza nel diritto civile romano*, [in:] *Studi in onore di Pietro Bonfante nel XL anno d'insegnamento*, Vol. 4, Milano 1930, pp. 85–86.

[8] S. Perozzi, *Istituzioni di diritto romano*, Vol. 2, Firenze 1908, p. 578, footnote 2.

[9] D. 43,5,3,12-15 (*Ulpianus libro 68 ad edictum*).

[10] D. 29,3,5 (*Paulus libro octavo ad Plautium*): *(…) publice enim expedit suprema hominum iudicia exitum habere*; L. Palumbo, *Testamento romano e testamento longobardo*, Lanciano 1892, p. 150.

way than compilers, indicated who had a legal interest to get to know the content of a will. The establishment of the legal interest was essential because it made grounds for filing a motion of *interdictum de tabulis exhibendis* in the event of difficulties created by the testament holder.[11]

Also a pupil's substitute had the right to file this motion in case the pupil died before reaching maturity.[12] This indicates that different categories of people were entitled to file this motion, including heirs, substitutes and beneficiaries. Also the interested person's procedural substitute (*procurator*) could file such a motion on their behalf.[13]

However, an interdict *de tabulis exhibendis* could not be issued when the testator was still alive,[14] even if he himself requested the *praetor*. The testator, as the owner of the will, was entitled to *actio ad exhibendum*.[15]

3. IMPLEMENTATION OF AN INTERDICT *DE TABULIS EXHIBENDIS*

An interdict *de tabulis exhibendis* was one of exhibitory interdicts[16] addressed to a will holder or one who passed it to another person.[17] In the event someone passed a will to another person with malice aforethought,[18] an interdict was addressed to the person who disposed of it and the one who was its new holder.

D. 43,5,3,6 (*Ulpianus libro 68 ad edictum*): *Si quis dolo malo fecerit, quo minus penes eum tabulae essent, nihilo minus hoc interdicto tenebitur, nec praeiudicatur aliquid legi Corneliae testamentariae, quasi dolo malo testamentum suppresserit. Nemo enim ideo impune retinet tabulas, quod maius facinus admisit, cum exhibitis tabulis admissum eius magis manifestetur. Et posse aliquem dolo malo facere, ut in eam legem non incidat, ut puta si neque amoverit neque celaverit tabulas, sed idcirco alii tradiderit, ne eas interdicenti exhiberet, hoc est si non supprimendi animo vel consilio fecit, sed ne huic exhiberet*.[19]

However, in the event a pupil disposed of the will tables as a result of his guardian's deceit, an interdict was addressed to this dishonest guardian.[20] On the

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[11] L. De Sarlo, *Il documento oggetto di rapporti giuridici privati*, Firenze 1935, pp. 124–125.

[12] C. 8,7,1 (*Valerianus, Gallienus*).

[13] D. 3,3,62 (*Pomponius libro secundo ex Plautio*).

[14] D. 43,5,1,10 (*Ulpianus libro 68 ad edictum*): *Hoc interdictum ad vivi tabulas non pertinet, quia verba praetoris 'reliqueri' fecerunt mentionem.*

[15] D. 43,5,3,5 (*Ulpianus libro 68 ad edictum*): *Si ipse testator, dum vivit, tabulas suas esse dicat et exhiberi desideret, interdictum hoc locum non habebit, sed ad exhibendum erit agendum, ut exhibitas vindicet. Quod in omnibus, qui corpora sua esse dicunt instrumentorum, probandum est*; A. Fernandez Barreiro, *La previa informacion del adversario en el proceso privado romano*, Pampolna 1969, pp. 372–373.

[16] D. 43,5,3,7–8 (*Ulpianus libro 68 ad edictum*).

[17] D. 43,5,3,2 (*Ulpianus libro 68 ad edictum*); F.P. Maglioca, *Per la formula dell' 'interdictum utrubi'*, SDHI 32/1967, p. 238.

[18] For broad discussion of the issue, see M. Marrone, *A proposito di perdita dolosa del possesso*, [in:] *Studi in onore di Arnaldo Biscardi*, Vol. 6, Milano 1987, pp. 180–190.

[19] Interpolation which this statement by Ulpian underwent did not change its essence; compare, *Index interpol.*, Vol. 3, col. 280.

[20] D. 43,5,4 (*Paulus libro 69 ad edictum*): *Si sint tabulae apud pupillum et dolo tutoris desierint esse, in ipsum tutorem competit interdictum: aequum enim est ipsum ex delicto suo teneri, non pupillum.*

other hand, when a will was in the possession of a slave, an interdict was addressed to the slave's owner.

D. 43,5,3,4 (*Ulpianus libro 68 ad edictum*): *Si penes servum tabulae fuerint, dominus interdicto tenebitur.*

The person concerned filed a motion to a *praetor* and applied for the issue of an interdict ordering the presentation of a will. According to a fragment of the Digests from the fifth book of Ulpian's commentary *ad edictum*, a motion was given priority and a *praeto*r was obliged to deal with it even on holidays.

D. 2,12,2 (*Ulpianus libro 5 ad edictum*): *Eadem oratione divus Marcus in senatu recitata effecit de aliis speciebus praetorem adiri etiam diebus feriaticis (…) item de testamentis exhibendis (…).*

According to the text in D. 43,5,3,16 attributed to Ulpian, a motion to issue an interdict *de tabulis exhibendis* could be filed even a year after a testator's death.

D. 43,5,3,16 (*Ulpianus libro 68 ad edictum*): *Interdictum hoc et post annum competere constat. Sed et heredi ceterisque successoribus competit*.[21]

Not only a *praetor* but also the province governor (*praeses provinciae*, *rector provinciae*) was entitled to issue an interdict.[22] In addition, it cannot be excluded that the jurisdiction concerning an interdict *de tabulis exhibendis* could be delegated to other officials or judges.[23]

D. 43,5,1,3–11, D. 43,5,2 and D. 43,5,3,1 set the subjective scope of an interdict *de tabulis exhibendis*. In accordance with a fragment from the sixty-eighth book of Ulpian's commentary *ad edictum*, an interdict was applicable to all testamentary wills of the deceased: valid and invalid ones, genuine and falsified ones,[24] former and later,[25] developed in compliance with all or only some formal legal requirements[26]. It was to be applied also when particular testamentary wills were developed in a different time because revealing them might have importance for the validity of the will.[27] Also testamentary wills developed by a son under the authority of a father or by a slave, even if their ability to develop a will were doubtful (*testamenti*

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[21] M. Amelotti, *La prescrizione delle azioni in diritto romano*, Milano 1958, pp. 41 and 92.

[22] W. Rozwadowski, *s.v. Interdictum*, [in:] *Prawo rzymskie. Słownik encyklopedyczny* [Roman law. Encyclopaedic dictionary], W. Wołodkiewicz (ed.), Warsaw 1986, p. 75.

[23] D. 2,1,16 (*Ulpianus libro 3 de omnibus tribunalibus*); C. 3,3,5 (*Iulianus*).

[24] D. 43,5,1,3 (*Ulpianus libro 68 ad edictum*): *Sive autem valet testamentum sive non, vel quod ab initio inutiliter factum est, sive ruptum sit vel in quo alio vitio, sed etiam si falsum esse dicatur vel ab eo factum qui testamenti factionem non habuerit: dicendum est interdictum valere.*

[25] D. 43,5,1,4 (*Ulpianus libro 68 ad edictum*): *Sive supremae tabulae sint sive non sint, sed priores, dicendum interdictum hoc locum habere.*

[26] D. 43,5,1,5 (*Ulpianus libro 68 ad edictum*): *Itaque dicendum est ad omnem omnino scripturam testamenti, sive perfectam sive imperfectam, interdictum hoc pertinere*; L. Aru, *Studi sul "negotium imperfectum". I. La terminologia "imperfectum" e l'efficacia del "negotium imperfectum"*, Archivio Giuridico 'Filippo Serafini', 1(124)/1940, pp. 27–30; S. Kursa, *Testator i formy testamentu…* [Testator and forms...], pp. 137–138.

[27] D. 43,5,1,6 (*Ulpianus libro 68 ad edictum*): *Proinde et si plures tabulae sint testamenti, quia saepius fecerat, dicendum est interdicto locum fore: est enim quod ad causam testamenti pertineat, quidquid quoquo tempore factum exhiberi debeat.*

factio activa),[28] and by a son who decided on behalf of his *peculium castrense*,[29] as well as by a testator who died in captivity during a war[30] were subject to revealing. An interdict was also applicable in a situation when the content of a will was *sine dolo* blurred.[31]

Moreover, in the sixty-eighth book of the commentary *ad edictum*, Ulpian held that the above-mentioned interdict was applicable to all the tables collected in codes because the decisions contained in them constituted one will[32] as well as to all other documents related to the will,[33] in particular to codicils[34].

4. OBLIGATION TO SHOW A WILL AFTER ITS OFFICIAL OPENING

The obligation to show the contents of a will to persons concerned did not cease even after opening and sealing it again. That is why, an interdict *de tabulis exhibendis* was applicable not only to testamentary wills that were not opened but also to those that were officially opened and then, after sealing, were in the possession of an heir or in temple deposit (*in aede*).[35] Also at this stage, persons having a legal interest in getting to know the content of a will could, in case of difficulties with access to it, request a competent official to apply the above-mentioned interdict. This practice is confirmed in a report by Pomponius, included in the Digest of Justinian, where an interdict on a motion filed by a legatee was addressed to an heir.

D. 3,3,62 (*Pomponius libro 2 ex Plautio*): *Ad legatum petendum procurator datus si interdicto utatur adversus heredem de tabulis exhibendis, procuratoria exceptio, quasi non et hoc esset ei mandatum non obstat.*

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[28] D. 43,5,1,7 (*Ulpianus libro 68 ad edictum*): *Sed et si de statu disceptetur, si testator filius familias vel servus hoc fecisse dicatur, et hoc exhibebitur.*

[29] D. 43,5,1,8 (*Ulpianus libro 68 ad edictum*): *Item si filius familias fecerit testamentum, qui de castrensi peculio testabatur, habet locum interdictum.*

[30] D. 43,5,1,9 (*Ulpianus libro 68 ad edictum*): *Idem est et si is, qui testamentum fecit, apud hostes decessit.*

[31] D. 43,5,1,11 (*Ulpianus libro 68 ad edictum*): *Sed et si deletum sine dolo sit testamentum.* Compilers supplemented this statement adding in D. 43,5,2 (*Paulus libro 64 ad edictum*) the words: *vel totum vel pars eius* originating from the sixty-fourth book of Paulus's commentary *ad edictum*, which indicates that an interdict *de tabulis exhibendis* was applied in case of complete as well as partial deletion of a testament content.

[32] D. 43,5,3,1 (*Ulpianus libro 68 ad edictum*): *Si tabulae in pluribus codicibus scriptae sint, omnes interdicto isto continentur, quia unum testamentum est.*

[33] D. 43,5,1 pr. (*Ulpianus libro 68 ad edictum*): *Praetor ait: 'Quas tabulas Lucius Titius ad causam testamenti sui pertinentes reliquisse dicetur, si hae penes te sunt aut dolo malo tuo factum est, ut desinerent esse, ita eas illi exhibeas. Item si libellus aliudve quid relictum esse dicetur, decreto comprehendam'*; G. Scherillo, *Corso di diritto romano. Il testamento. Parte prima*, Milano 1966, p. 44.

[34] D. 43,5,1,2 (*Ulpianus libro 68 ad edictum*): *Hoc interdictum pertinet non tantum ad testamenti tabulas, verum ad omnia, quae ad causam testamenti pertinent: ut puta et ad codicillos pertinent*; also see, U. Robbe, *La "hereditas iacet" e il significato della "hereditas" in diritto romano. I*, Milano 1975, pp. 184–187.

[35] D. 10,2,4,3 (*Ulpianus libro 19 ad edictum*); H. Vidal, *Le dépôt in aede…*, p. 569.

On the other hand, in the event another person than an heir held a will, an heir was entitled to an interdict *de tabulis exhibendis* as well as to a claim for its display (*actio ad exhibendum*).

D. 10,4,3,8 (*Ulpianus libro 24 ad edictum*): *Si quis extra heredem tabulas testamenti vel codicillos vel quid aliud ad testamentum pertinens exhiberi velit, dicendum est per hanc actionem agendum non esse, cum sufficiunt sibi interdicta in hanc rem competentia: et ita Pomponius*.[36]

An heir was entitled to a claim for a will display because, like a testator when still alive, he was its owner. A fragment from the seventeenth book of Gaius's commentaries *ad edictum provincial* indicates that he had that ownership right to a will mentioning that he could file a vindication complaint (*rei vindicatio*).[37]

D. 29,3,3 (*Gaius libro 17 ad edictum provinciale*): *Ipsi tamen heredi vindicatio tabularum sicut ceterarum hereditariarum rerum competit et ob id ad exhibendum quoque agere potest*.[38]

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Summing up, it is necessary to state that the analysis of the sources of law, fragments of Ulpian's commentaries *ad edictum* mainly preserved in the Digest of Justinian (partly interpolated), indicates that a testamentary will could be in possession of different people who were not always chosen by a testator. When he died, they were obliged to show the will to an official in order to open it and let persons concerned learn about their rights or obligations resulting from its content and obtain copies of the document.

In the event of difficulties caused by a will holder, the parties concerned could apply for the application of an interdict *de tabulis exhibendis*. An interdict was applicable to all testamentary wills of the deceased, regardless of their validity and state of preservation. It was addressed to will holders as well as those who illegally disposed of it.

The testamentary beneficiaries could apply to have the will displayed via an interdict issue even after its official opening when there were difficulties in getting access to its content. In addition, an heir was entitled to *actio ad exhibendum*.

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[36] M. Marrone, *Actio ad exhibendum*, Palermo 1958, pp. 190–191, 254; O.E. Tellegen-Couperus, *Testamentary succession in the constitutions of Diocletian*, Zutphen 1982, pp. 49–50. For more on interpolation of this text and its consequences, see J. Burillo, *Contribuciones al studio de la 'actio ad exhibendum' en derecho clasico*, Studia et documenta historiae et iuris, 26/1960, pp. 236–237.

[37] For the issue of the specificity of those complaints and interdependencies between them, see F. Bossowski, *Actio ad exhibendum w prawie klasycznem i justynjańskiem* [*Actio ad exhibendum* in classical law and the law of Justinian], Kraków 1929, pp. 15–18; for more on the Justinian epoch, see pp. 75–82.

[38] G. Klingenberg, *Das Beweisproblem beim Urkundendiebstahl. Die These der quidam und die Klassiker*, Zeitschrift der Savigny-Stiftung für Rechtsgeschichte, Romanistische Abteilung, 96/1979, pp. 242–243; G.G. Archi, *Interesse privato e interesse pubblico nell'apertura e pubblicazione del testament romano (Storia di una vicenda)*, Iura. Rivista internazionale di diritto romano e antico, 20.1/1969, p. 344 footnote 13.

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OBLIGATION TO PRESENT THE LAST WILL IN THE LAW OF JUSTINIAN

Summary

The article deals with the obligation to present the last will in order to officially read the will, to acquaint the beneficiaries with its content and to enable them to obtain a copy. This action was, apart from convening witnesses, one of the two actions preceding the formal opening of the inheritance. The obligation to do so rested with holders elected by the testator or actual ones, after establishing the fact of the testator's death. Their unjustified resistance led to the application of an interdict *de tabulis exhibendis*. It applied to the testamentary beneficiaries, both before and after the official opening of the inheritance.

Keywords: last will, presentation of a will, opening of a will, interdict, testator, will holder, witness, Roman law, Justinian, Ulpian

OBOWIĄZEK OKAZANIA TESTAMENTU W PRAWIE JUSTYNIAŃSKIM

Streszczenie

Artykuł dotyczy obowiązku prezentacji testamentu w celu dokonania jego urzędowego otwarcia, zapoznania się z treścią i umożliwienia uzyskania kopii jego beneficjentom. Czynność ta była, obok zwołania świadków, jedną z dwóch, które poprzedzały formalną procedurę otwarcia testamentu. Obowiązek jej dokonania spoczywał na wybranych przez testatora lub faktycznych dzierżycielach testamentu, po ustaleniu faktu śmierci testatora. Nieuzasadniony opór z ich strony pociągał za sobą zastosowanie interdyktu *de tabulis exhibendis*. Przysługiwał on beneficjentom testamentowym zarówno przed urzędowym otwarciem testamentu, jak i po nim.

Słowa kluczowe: testament, okazanie testamentu, otwarcie testamentu, interdykt, testator, detentor, świadek, prawo rzymskie, Justynian, Ulpian