

Book V.  
Title LV.

If a guardian failed to manage (the property).  
(Si tutor non gesserit.)

Bas. 38.16.

5.55.1. Emperor Alexander to Zoticus.

It is certain that not only those who managed a guardianship but also those who should have managed it are responsible for what could not be recovered from the co-guardians, even if they only should have accused the latter as suspected of misconduct and failed to do so. 1. But, although you could not institute an action involving infamy against your patron, still you were able to see to it my necessary demands before the judge who had jurisdiction in the matter, that there should be no failure in the performance of duty in the guardianship.

Promulgated May 14 (223).

Note.

If one or more of several guardians suspected a co-guardian of misconduct it was their duty to bring a proceeding against them. C. 5.37.2 note; C. 5.52.2; C. 5.56.2. Such proceeding might, as shown in title 43 of this book, involve infamy. A freedman, to whom the present rescript was addressed, could not bring any action or proceeding against his patron that involved infamy. C. 6.6.1.

5.55.2. The same Emperor to Justus.

Persons who did not meddle in a guardianship or curatorship are not responsible for any acts of those who carried on the management and who are solvent. If there are matters which should have been managed but were neglected, all are equally responsible in an accounting for gross neglect.<sup>1</sup>

Promulgated April 24 (224).

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<sup>1</sup> [Blume] See C. 5.52.2; C. 5.51.6 note.