

Book V.  
Title XLVII.

If a guardian is appointed against the wish of the mother.  
(Si contra matris voluntatem tutor datus sit.)

Bas. 38.8.24.

5.47.1. Emperors Severus and Antoninus to Tertius.

If you prove that Fuscinus was appointed as guardian for your son against the last wish of the sons' mother<sup>1</sup> the praetor will order such guardian to be removed without loss of his good name. But if he has been convicted of fraud, this rescript will be of no use to him (in keeping him from becoming infamous).

Promulgated February 17 (197).

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<sup>1</sup> [Blume] Headnote C. 5.34. The same principle applied if the father forbids such appointment. D. 26.5.21.2.