

I. Doctrine and Performance

Digest 9.2.27.25 (Ulpian). If someone should harvest your olives that are not yet ripe, he is liable to you for damage to property. But if he does so when the olives are ripe, he is not so liable: one can hardly call it an 'unlawful injury' when that person has made a gift to you of the expenses which are incurred in harvesting a crop of this kind. Nevertheless, if he makes off with what he has collected, he is liable for theft. According to Octavenus this is not the case, however, where grapes are concerned, and the person threw the grapes all about on the ground.

Si olivam immaturam decerpserit vel segetem desecuerit immaturam vel vineas crudas, Aquilia tenebitur: quod si iam maturas, cessat Aquilia: nulla enim iniuria est, cum tibi etiam impensas donaverit, quae in collectionem huiusmodi fructuum impenduntur: sed si collecta haec interceperit, furti tenetur. Octavenus in uvis adicit, nisi inquit, in terram uvas proiecit, ut effunderentur.