

*In flagrante delicto*¹

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“A” has appropriated a portion of land owned by the City, incorporating it into his own backyard and erecting a small building there. He has fenced it off. The City has not protested and he has enjoyed use of the City property for years.

“B” has purchased the vacant property on the other side of the City property and has discovered that “A” has also encroached upon a small portion of the land “B” has purchased.

The neighbours of “A” have been walking around “A”’s appropriation to get to the street that runs past. They think “B” should provide a walkway on his property to allow them to continue doing this. None of them wants the vacant land to be developed in any case. They have petitioned the City to further encumber the land “B” has purchased to impede its proposed development.

JUDGEMENT

- 1). “A” has been using City land because the City has allowed it. His neighbours have been using the vacant land to get around him because its owner has allowed that. None of them has ever had any right to do what they have been doing. They have no right to continue doing it.
- 2). The development “A” has built on someone else’s property (in this case two other owners) is *In flagrante delicto*. He has built a monument to his opinion of other’s property. He has made a statement about his own character: By his act and his failure to rectify matters, “A” proclaims that he is a thief. “A” failed to purchase the City property he appropriated for his own use. “A” failed to purchase the portion of “B”’s property that he appropriated as well. “A” has failed to offer to rectify the situation by giving up what he has been using for years or by offering to buy it.
- 3). “A”, who is the worst offender, and his neighbours cannot continue doing what they have been allowed to do in the past. They must either buy the property they are using or suffer the consequences, and the cost, of removal of their improvements if the owners do not choose to sell their property to them.

¹ *In flagrante delicto*

From Wikipedia, the free encyclopedia

In flagrante delicto or sometimes simply in flagrante (Latin: "while [the crime] is blazing") is a legal term used to indicate that a criminal has been caught in the act of committing an offense (compare corpus delicti). The colloquial "caught red-handed" or "caught in the act" are English equivalents.

The Latin term has come to be used far more often as a euphemism for a couple being caught in the act of sexual intercourse; in modern usage the intercourse need not be adulterous or illicit. Look up *In flagrante delicto* in Wiktionary, the free dictionary.