

ROYAL COURT18th May, 1987

Before: The Deputy Bailiff, assisted by Jurats Perrée and Coutanche

BETWEEN	ELSIE LILY ROBINS, NEE BIDWELL	PLAINTIFF
AND	LES CHARRIERES HOTEL LIMITED	DEFENDANT

DEPUTY BAILIFF: It is clear from the pleadings and agreed by the parties that some of, if not all, the boundary stones mentioned in the deed of purchase of the 26th September, 1969, by the Defendant from the Plaintiff, have disappeared - I use a neutral term deliberately in order not to determine any question of deliberate or accidental removal, destruction or concealment. It is equally clear and agreed that the line of the boundary fixed by the same deed is in dispute between the parties, that this Court is being asked to determine the boundary, and that the fixing of the line of the boundary is an essential first step in the determination of the other matters in dispute between the parties. By the common law of this Island the determination or fixing of boundaries is not a function of this Court but that of "experts" at a "Vue de Vicomte". It would be wrong for the Court to assume the function of a "Vue de Vicomte" because the findings of that "Vue" may be subject to review at a "Vue de Justice" held before the Bailiff and two Jurats. Whilst the traditional method of bringing about the determination of boundaries by a "Vue de Vicomte" is an action "pour terminer loyal devis" before the "Chefs Plaids d'Héritage", the present action was brought by Order of Justice before the Samedi Division, there being other matters in dispute between the parties. A "Vue" has been described as a "suite de la Cour du Samedi" and as a "Cour Extraordinaire" and by Hemery and Dumaresq as a "Cour de Référence or "Délégation". It is not necessary for us therefore to transfer the action to the "Héritage" Division.

Accordingly, we direct the Viscount to hold a "Vue de Vicomte" to determine the boundary or boundaries between the properties of the plaintiff and the defendant in accordance with the provisions of Rule 10/1 of the Royal Court Rules, 1982.

We cannot go any further at this stage because a number of alternatives will remain. As a result of the fixing of the boundary or boundaries, the parties may be able to settle their other differences without further resort to litigation. One or other of the parties may require the decision of the "Vue de Vicomte" to be reviewed by a "Vue de Justice" in which event the action would continue for that purpose.

If further litigation is necessary then either after the "Vue de Vicomte" if the record of that "Vue" is not attacked, or after a "Vue de Justice", the Court will continue the further hearing. The question of the costs of to-day is left over.  
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