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## REPORTS AND NOTES OF CASES.

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### England.

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#### JUDICIAL COMMITTEE OF THE PRIVY COUNCIL.

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Lord Chancellor Haldane, Lords Dunedin,  
Atkinson, and Moulton.]

[Feb. 19.

GORDON V. HOLLAND.

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CONSOLIDATED APPEALS FROM THE COURT OF APPEAL  
FOR BRITISH COLUMBIA.

*Partnership—Fiduciary relation of partner—Wrongful sale of partnership assets—Repurchase from bonâ fide purchaser without notice.*

These were cross-appeals from a judgment of the Court of Appeal for British Columbia (Macdonald, C.J., and Galliher, J., Irving, J., dissenting) varying a judgment of Gregory, J., at the trial, which had granted to Gordon, the plaintiff in the action, a portion of the relief for which he prayed.

A member of a partnership, in violation of the express terms of the partnership agreement, without the knowledge of his co-partner, sold land the property of the partnership to a *bonâ fide* purchaser for value without notice, and afterwards repurchased the land from him.

*Held*, that he stood in a fiduciary relation to his partner, and came within the exception laid down in Barrow's case (42 L.T. Rep. 891, 14 Ch. Div. 432) to the rule which protects a purchaser with notice taking from a purchaser without notice, and must account for all profits made by subsequent dealings with the land.

Judgment of the Court below varied.

*Knox v. Gye* (L. Rep. 5 H.L. 656) and *Piddocke v. Burt* (70 L.T. Rep. 553; (1894) 1 Ch. 343), distinguished.

*Buckmaster*, K.C., and Hon. *M. Macnaghten*, for Gordon.  
*E. P. Davis*, K.C., *Atkin*, K.C., and *C. H. Sargant*, for Holland.