STUDENT NOTES

PROPERTY IN THE GOODS UNDER WEST VIRGINIA LAW

A "sale" has been defined as the transfer of the absolute or general property in a thing for a price in money.\(^1\) Although the writers on the subject are not in accord as to the precise definition of the term, it is generally agreed that an essential ingredient of every sale is the transfer of property in the goods from the seller to the buyer.\(^2\) In this connection "goods" refers to the thing itself, which is the subject of the sale, and "property" is used in the sense of the interest which the owner has in the goods.\(^3\) "General property", as used in the above definition, means the entire interest as contrasted with a "special property", which is a lesser interest, the transfer of which does not constitute a sale.\(^4\)

Whether the property has in fact passed to the buyer and the precise time of such passage often determines the rights of the parties with respect to risk of loss, remedies for breach of the agree-

---


\(^2\) Benjamin, Sale 1 (6th ed. 1920); 1 Mechem, Sales 3 (1901); Brown, Sales 1 (1894).

\(^3\) Vold, Sales 5 (1931).

\(^4\) 1 Mechem, Sales 4 (1901).