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NOTES AND LEGISLATION

Statute of Limitations as a Pleading Problem in Iowa

There was no fixed time for the bringing of a civil action under the common law.¹ Beginning with the reign of Henry I (1100-35) statutes narrowing the latitude of the common law were enacted. Our own State covers the general provisions of limitations of action² and special limitations on judgments.³ Statutes of limitations do not confer any right of action and are not matters of substantive right, but are available only as defense. To plead the statute of limitations

¹ "At common law a right of action which had once accrued was immortal. Experience long ago demonstrated the unwisdom of such a rule. Practical consideration applied to the administration of justice demanded that legal disputes should be settled while evidence was readily obtainable. Since the twelfth century action concerning real estate have been regulated by statute of limitations and since the sixteenth century chases in action have been similarly restricted." Brooklyn Bank v. Barnaby, 197 N. Y. 210, 90 N. E. 834, 27 L. R. A. (ns) 843 (1910).

² Code of Iowa, 1939, Chapter 487.

³ Code of Iowa, 1939, Chapter 487.1.