

LIMITATION OF ACTIONS.

AN ACT for the limitation of actions, and for avoiding vexatious law suits.

SEC. 1. *Be it enacted by the Council and House of Representatives of the Territory of Iowa,* That all actions of trespass, detinue, trover, and replevin, for taking away goods and chattels, all actions for the arrearages of rent, due on a parole demise, and all actions of account, and upon the case, except actions for slander, and malicious prosecutions, and such actions as concern the trade of merchandise between merchant and merchant, their factors or agents, shall be commenced within five years next after the cause of action shall have accrued, and not after.

Limitation of actions of trespass, detinue, trover, &c.

SEC. 2. That all actions of trespass for assault and battery, wounding and imprisonment, or any of them, shall be commenced within two years next after the cause of such action shall have accrued, and not after.

Assault, battery, &c.

SEC. 3. That every action on the case for slanderous words, shall be commenced within one year next after the words spoken, and not after; and every action for malicious prosecution shall be commenced within two years next after the cause of action shall have accrued, and not after.

Slanderous words, and malicious prosecution.

SEC. 4. That every action of debt, or covenant for rent, or arrearages of rent, founded upon any lease, under lease, or every action of debt, on account founded upon any single or penal bill, promissory note, or writing obligatory, for the direct payment of money, or the delivery of property, or the performance of covenants, or upon any award, under the hands and seals of arbitrators, for the payment of money only, shall be commenced within six years after the cause of such action shall have accrued, and not after; but if any payment shall have been made on any such lease, single bond, or penal bill, promissory note, writing obligatory, or award, within or after the said period of six years, then an action instituted on such lease, single or penal bill, promissory note, writing obligatory, or award, within six years after such payment, shall be good and effectual in law, and not after.

Debt or covenant for rent, &c.

SEC. 5. That judgment in any court of record in this Territory may be revived by *scire facias*, or an action of debt may be brought thereon within twenty years next after the date of such judgment, and not after.

Judgments revived.

Right of entry
barred after 20
years.

SEC. 6. That no person, who now hath, or hereafter may have, any right of entry into any lands, tenements, or hereditaments, shall make an entry but within twenty years next after such right shall have accrued, and such person shall be barred from any entry afterwards.

Certain actions
to be brought
within twenty
years.

SEC. 7. That every real, possessory, ancestral, or mixed action, or writ of right, brought for the recovery of any lands, tenements, or hereditaments, shall be brought within twenty years next after the right or title thereto or cause of such action accrued, and not after: *Provided*, That in all the foregoing cases in this act mentioned, where the person or persons who shall have right of entry, title, or cause of action, is, are, or shall be at the time of such right of entry, title, or cause of action, under the age of twenty-one years, insane, or beyond the limits of this Territory, or *feme covert*, such person or persons may make such entry, or institute such action, so that the same may be done within such time as is within the different sections of this act limited, after his or her becoming of full age, sane, *feme sole*, or coming within this Territory.

Absence not to
be accounted in
certain cases.

SEC. 8. That if any person or persons against whom there is, or shall be, any cause of action, as is specified in the preceding sections of this act, except real or possessory actions, shall be out of this Territory at the time of the cause of such action accruing, or any time during which a suit might be sustained on such cause of action, then the person or persons, who shall be entitled to such action, shall be at liberty to bring the same against such person or persons after his, her, or their return to this Territory, and the time of such person's absence shall not be accounted or taken as a part of the time limited by this act.

Effect of reversal
of judgment
on writ of error,
&c.

SEC. 9. That if in any of the said actions, specified in any of the preceding sections of this act, judgment be given for the plaintiff, and the same be reversed by a writ of error, or upon appeal, unless a verdict pass for the plaintiff, and upon matter alleged in arrest of judgment, the judgment be given against the plaintiff; or if the plaintiff be non-suited, then, if the time limited for bringing such action shall have expired during the pendency of such suit, the said plaintiff, his or her heirs, executors, or administrators, as the case shall require, may commence a

new action, within one year after such judgment is reversed, or given against the plaintiff, and not after.

APPROVED, January 25, 1839.

MECHANICS.

AN ACT relative to Mechanics' liens, and for other purposes.

SEC. 1. *Be it enacted by the Council and House of Representatives of the Territory of Iowa.* That in all cases hereafter, where any contract shall be made between the proprietor or proprietors of any tract of land or town lot on the one part, and any person or persons on the other part, for the erecting or repairing any house, or other building, mill or machinery of any description whatever, or their appurtenances, or for furnishing labor or materials for the purposes aforesaid, and every other person who may have furnished materials which may have been used in the construction of such house, building or mill, by special agreement, the person or persons who shall, in pursuance of such contract, have furnished labor or materials for such purpose, or who shall have furnished such materials as aforesaid, shall respectively have a *lien*, to secure the payment of the same, upon such house, or other building, mill, or machinery, and on the lot or tract of land on which the same shall be erected. Lien on building and lot for materials and labor.

SEC. 2. When any person or persons shall wish to avail himself, herself, or themselves, of the benefit of such *lien*, he, she, or they shall commence his, her, or their action in any court having jurisdiction of the same, within six months from the time payment should have been made, by virtue of any such contract by which such lien shall have been claimed. And if such suit be commenced in the district court, it shall be by bill or petition, describing, with common certainty, the tract of land, town lot, building, mill, or machinery, upon which said lien is intended to be made to operate, and also the nature of the contract or indebtedness, with a bill of particulars of his account; which bill or petition shall be filed in the clerk's office of the proper county, and docketed by the clerk on the common law appearance docket. The courts, trying such causes, shall be governed by the same rules of evidence that are now observed in When action to be commenced. Bill or petition to be filed. Particulars of the account.