

EDITORIAL

THE STATUTE OF LIMITATIONS.

By DANIEL DE LEON

THIS week's list of court judgments contains a judgment for costs against one William C. Woodward who sued Mrs. Katherine Clemmons Gould for \$2,428 on an alleged loan made by him in 1894. Woodward's case was dismissed. Mrs. Gould set up the statute of limitations in her defence. Whereupon and wherefore Woodward's suit was dismissed by the court.

This court incident was vastly more than a mere incident in court, turning upon a statutory provision. The incident was of truly sociologic import.

The plea of the statute of limitations is a plea of "confession and avoidance." The defendant confesses that he is indebted in the amount sued for, but he avoids liability by sheltering himself behind a statute which provides that, after a certain period, no action will lie for a debt. The physiognomy of the statute of limitations is one essentially of Class Rule. Its twin is the social principle that "time heals a wrong"—a principle born of and conceivable only in social conditions that find their fullest expression in capitalism.

When Mrs. Katherine Clemmons Gould of the Jay Gould hierarchy pleaded the statute of limitations in avoidance of a debt that she owed, the lady but expressed in legal parlance a sentiment that her class entertains and upon which it banks for the righteousness of its continued possession in the wealth which it has plundered from the society.

The Katherine Clemmons Gould class does not stand at the bar of Socialism with the plea: "We confess to having plundered; but, in extenuation for our act, we point to the fact that the plunder was a step that accelerated the day when society could be organized Socialistically. That day has come. We surrender our plunder and plead for amnesty." No; that is not the plea of the Katherine Clemmons Gould class. Their plea is: "We shall no deny the facts charged against us. We cannot. But

we plead that the Wrong has been cured by time and has become a sacred, a vested Right.” In other words the Katherine Clemmons Gould class pleads the statute of limitations at the bar of the Socialist Movement.

For the identical reason that the plea will stand in a capitalist court it will be laughed down before the tribunal of History in days not far away.

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