

[The] right to be free from claims in time comes to prevail over the right to prosecute them.

There are, of course, many other decisions, both state and federal, which discuss the doctrine of limiting statutes with equal clarity. There is one, though, which perhaps best explains the policy served by the statutes better than the others. The case in point is Hawkins v. Barney's Lessee, 5 Pet. 457 (1831), which fully recognized that such limitations might well divest one person of property and transfer it to another. Speaking for the High Court, Mr. Justice Johnson observed, at 465-66:

[N]o class of laws is more universally sanctioned by the practice of nations, and the consent of mankind, than laws which give peace and confidence to the actual possessor and tiller of the soil. Such laws have frequently passed in review before this Court; and occasions have occurred, in which they have been particularly noticed as laws not to be impeached on the ground of violating private right. What right has any one to complain, when a reasonable time has been given him, if he has not been vigilant in asserting his rights? All the reasonable purposes of justice are subserved, if the Courts of a state have been left open to the prosecution of suits for such a time as may reasonably raise a presumption in the occupier of the soil that the fruits of his labor are effectually secured beyond the chance of litigation.

Continuing his explanation, Justice Johnson next observed:

It is argued, that limitation laws, although belonging to the *lex fori*, and applying immediately to the remedy, yet indirectly they effect a complete divestiture and even transfer of right. This is unquestionably true, and yet in no wise fatal to the validity of this law.

(Note: *lex fori* simply refers to the laws administered by the court).

It is understood that the above quotations were not spoken in response to a claim set up under the Quiet Title Act. But this is immaterial. The quotes are presented, not to support the Act itself, but to explain the reason for the existence of statutes of limitation. The reason is the same whether the limiting period is for adverse possession, acquiescence, laches, estoppel, or the Quiet Title Act. Yet, be this as it may, any concern over an unjust transfer of title resulting from the 12 year filing period at 28 USC 2409a(g) is unwarranted. While it is true, as mentioned above, that some statutes of limitation may, and not infrequently have, resulted in a transfer of title, the limitation period in the Quiet Title Act will not. The applicable section of the Act limits only the time in which a private party may bring suit to quiet title against the United States. But, failure to bring an action within the 12 year period does not lead to a transfer of title. If a claimant has title to a disputed tract of land, that claimant retains title even if the suit to quiet his or her title is deemed time-barred under 2409a. A dismissal pursuant to 2409a does not quiet title to the property in the United States. The title dispute remains unresolved. Nothing prevents the claimant from continuing to assert his or her title, and to thereby force the United States to file its own quiet title suit, in which the matter would finally be put to rest on its merits. See to this effect: Block v. North Dakota, 461 US 273 (1983).