

Moreover, a state may extend as well as shorten the time in which suits may be brought in its courts and may even entirely remove a statutory bar to the commencement of litigation. Thus, a repeal or extension of a statute of limitations affects no unconstitutional deprivation of property of a debtor-defendant in whose favor such statute had already become a defense. “A right to defeat a just debt by the statute of limitation . . . [is not] a vested right,” such as is protected by the Constitution. Accordingly no offense against the Fourteenth Amendment is committed by revival, through an extension or repeal, of an action on an implied obligation to pay a child for the use of her property,⁹⁸⁷ or a suit to recover the purchase price of securities sold in violation of a Blue Sky Law,⁹⁸⁸ or a right of an employee to seek, on account of the aggravation of a former injury, an additional award out of a state-administered fund.⁹⁸⁹

However, for suits to recover real and personal property, when the right of action has been barred by a statute of limitations and title as well as real ownership have become vested in the defendant, any later act removing or repealing the bar would be void as attempting an arbitrary transfer of title.⁹⁹⁰ Also unconstitutional is the application of a statute of limitation to extend a period that parties to a contract have agreed should limit their right to remedies under the contract. “When the parties to a contract have expressly agreed upon a time limit on their obligation, a statute which invalidates . . . [said] agreement and directs enforcement of the contract after . . . [the agreed] time has expired” unconstitutionally imposes a burden in excess of that contracted.⁹⁹¹

Burden of Proof and Presumptions.—It is clearly within the domain of the legislative branch of government to establish presumptions and rules respecting burden of proof in litigation.⁹⁹² Nonetheless, the Due Process Clause does prevent the deprivation of liberty or property upon application of a standard of proof too lax to make reasonable assurance of accurate factfinding. Thus, “[t]he function of a standard of proof, as that concept is embodied in the Due

⁹⁸⁷ *Campbell v. Holt*, 115 U.S. 620, 623, 628 (1885).

⁹⁸⁸ *Chase Securities Corp. v. Donaldson*, 325 U.S. 304 (1945).

⁹⁸⁹ *Gange Lumber Co. v. Rowley*, 326 U.S. 295 (1945).

⁹⁹⁰ *Campbell v. Holt*, 115 U.S. 620, 623 (1885). *See also* *Stewart v. Keyes*, 295 U.S. 403, 417 (1935).

⁹⁹¹ *Home Ins. Co. v. Dick*, 281 U.S. 397, 398 (1930).

⁹⁹² *Hawkins v. Bleakly*, 243 U.S. 210, 214 (1917); *James-Dickinson Co. v. Harry*, 273 U.S. 119, 124 (1927). Congress’s power to provide rules of evidence and standards of proof in the federal courts stems from its power to create such courts. *Vance v. Terrazas*, 444 U.S. 252, 264–67 (1980); *Usery v. Turner Elkhorn Mining Co.*, 428 U.S. 1, 31 (1976). In the absence of congressional guidance, the Court has determined the evidentiary standard in certain statutory actions. *Nishikawa v. Dulles*, 356 U.S. 129 (1958); *Woodby v. INS*, 385 U.S. 276 (1966).