

A TITLE IN DISPUTE.

Claimants to the Site of the Old United States Courthouse.

SOUTH AMERICANS ENTER SUIT.

The Case Hinges in Part Upon a Deed Made in 1765, When the Lot Was Given to the First Presbyterian Congregation for the Erection of a Church.

The title to the ground at the northwest corner of North and Fayette streets, on which stands the old United States courthouse, is involved in an ejectment suit instituted in the Superior Court yesterday.

The suit was brought by Michael A. Mullin & Son and James Pollard, attorneys for a number of residents of Buenos Ayres, South America, who claim the ground under a deed made by Alexander Lawson. The claimants are Eivira Romero, a widow; Alfred Horne, Maria Horne, Malvina Vidiella, Frederico Vidiella and Augusto Horne. They are the descendants of Charles R. Horne, only son of Mary Horne. In addition to the ground they claim \$100,000 as profits on the property which have accrued.

In 1765 Alexander Lawson conveyed to John Smith and others, trustees, a lot of ground at the corner of East lane, now Fayette street, and North lane, now North street, to be used for the erection of a church and parsonage and for a burial ground by the Presbyterian congregation then worshipping under Rev. Patrick Allison.

A church was erected on the lot and the ground was held by the Presbyterians until 1859, when part of it was sold to the United States government for the erection of the courthouse. The remainder of the lot was sold for other purposes. The congregation which worshipped there was that of the First Presbyterian Church, which, in 1859, built the present church at the corner of Madison street and Park avenue.

Mr. Lawson died in 1798, leaving his entire estate to his widow, Elizabeth Lawson. Mrs. Lawson's death occurred in 1815, she leaving the residue of her estate to a number of relatives of herself and husband. Among these relatives was Mrs. Mary Horne. The only child of Mrs. Horne was Charles R. Horne, who was also her only heir. He left the United States for South America about 1816, and since that time neither he nor any of his family has been to the United States.

It is contended that upon the diversion of the property from the uses set forth in the deed from Mr. Lawson to John Smith and others it reverted to his heirs or devisees. By virtue of the non-residence of the claimants in this country, it is asserted that the descendants of the Horne family are not bound by the statute of limitations. These descendants claim an undivided one-eighth of the ground on which the courthouse stands, and it is said that the claim cannot be impeached. They are said to have had no knowledge of the diversion of the property from the uses named in the deed from Mr. Lawson until recently, when, having instituted a search for other real estate, they learned for the first time of their title to the property in question.

There are said to be other persons living in Maryland and Virginia who also claim title to the property under the will of Mrs. Lawson, and they will watch the progress of the ejectment suit now brought with much interest.

The suit is brought against Internal Revenue Collector Murray Vandiver, as he is the custodian of the building, and the United States cannot be sued. The proceeding in this respect is similar to the celebrated case to recover General Lee's property at Arlington, when the suit was brought against the keeper of the Arlington National Cemetery, and was successful. It is said that the same question as to the title was raised in reference to the Universalist Church property on Baltimore street, near Central avenue, which was bought by the Redemptorists for a Catholic church. When the title was examined it was found that the ground had been conveyed to the Society of Friends to be used for burial purposes. The Court of Appeals decided that the title was bad because of the diversion from the purposes contemplated in the original deed.

The late Severn Teackle Wallis was consulted about the courthouse property shortly before his death, and, it is said, he gave it as his opinion that the claim of the heirs of Chas. R. Horne is valid.