

Man in Germany wants his property in Salina

This article, published in the Topeka Capital, details the efforts of Gustav C. Kothe to retain his property in Salina, Kansas. Kothe, an American consular agent in Germany, failed to return to the U.S. after the U.S. declared war on Germany. As a result, the U.S. government listed Kothe as an alien enemy and confiscated his property.

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Man in Germany Wants His Property in Salina

Gustav C. Kothe, for more than twenty years the American consular agent, appointed by the government to perform his duties in Cassel, Germany, believes that he should not have his property at Salina, Kan. taken away from him by the alien property custodian of Washington, D. C., and yesterday, thru his attorneys, Charles W. Burch, B. I. Litowitch, and LaRue Royce, all of Salina, he filed suit in the United States district court in Topeka against the Farmers National bank of Salina and A. Mitchell Palmer, alien property custodian of the United States to recover his property. Kothe says that the agent had no right to take his property as he is a citizen of the United States and lived at Salina before going to Germany. At the outbreak of the war, however, he failed to return to America, and this act now makes him an enemy in the eyes of the government, it is said. Frank L. Campbell, clerk of the court, said that this probably was the first case of its kind to ever come up in the history of the United States courts.

Small Fortune Involved.

Between \$75,000 and \$80,000 worth of property is involved in the suit, according to government officials. Kothe alleges that he received the property now occupied by the Farmers National bank and the building oc-

cupied by the Laderer Clothing Co., of Salina from his wife. In 1880 Oscar Seitz purchased the property and gave it to Florence Kothe, his sister, and the wife of Gustav Kothe. Mrs. Kothe died on October 17, 1917 at Cassel, but just before her death conveyed the property to her husband.

In December 1908, Mr. and Mrs. Kothe delivered to the Salina bank a lease for one-half of the building, the lease to expire January 1, 1922. In April of 1918, Kothe, thru Theo. B. W. Seitz, leased the other half to the clothing company. After the lease had been made, it is alleged that Kothe instructed that no new lease should be made in 1922 with the bank.

Leases Are Affected.

Shortly after the last lease was made, the alien property custodian took over the property and appointed the Farmers National bank as agents for the money. Upon complaint of the plaintiff, the custodian gave the property to the National bank of America, also of Salina, but later had the First National bank of Hutchinson act as attorneys of the money and property belonging to Kothe.

Kothe asks the court to interpret the provision of congress as being subject to the enactment, and to restore the property. He contends that no custodian has the right or authority to make a lease on the property before the old lease expires.