

## JOHN BAPTIST KUONY PIONEER WHO DEFIED BAD LUCK

He Left the Blue Alsatian Mountains Far Behind to Seek His Fortune in the New World and Had More Than One Man's Share of Rebuffs Before He Floated Safely Into a Snug Harbor

**T**HE life of John B. Kuony, Nebraska pioneer, epitomizes in a striking manner the history of the commonwealth of Nebraska. Buffeted about for many years by physical and financial storms, beaten from pillar to post, defeated at every turn and constantly assailed by the "slings and arrows of outrageous fortune," he persevered patiently and hopefully in his adopted state until the mysterious wheel of fortune turned and brought him abundant wealth and prosperity. The course of the commonwealth of Nebraska from its youth to the present time was the same. Maligned for years as part of "the great American desert," handicapped by lack of capital, suffocated by financial panics and wildcat banks and almost strangled by visitations of grasshoppers, floods and drouths, her brave people persevered patiently until the wheel of fortune turned and brought wealth and prosperity in fullest measure.

Here is the story of John Baptist Kuony. He was born June 6, 1831, in Soppe-le-bas, canton of Masseveaux, arrondissement of Belfort, Alsace, France. His father kept a store in the village and gave his children a good education. John Baptist attended the town schools and, when he had graduated, took up the study of Greek under the tutelage of the parish priest. The study of these branches, however, seemed to be leading toward the priesthood whither he had no desire to go. Therefore he dropped the dead languages and entered the college at Colmar, where he remained for three years.

None of the plans suggested for a life in France appealed to him as much as the prospect held out from America. His parents in the end were reconciled to parting with him and on November 9, 1851, he left the quiet of the little village to venture out across the sea into the unknown land. His father was able to furnish him only enough money to pay his passage across the water. He felt sure of getting employment at fabulously big wages as soon as he should touch the money-strewn shore of America. He went to Havre and there the troubles of his life seemed to start. The ship "Constantine," on which he was to embark, could not be made ready for three weeks, and it was not until December 2 that it cast off and set sail.

### Literally Worked His Passage

The Constantine was a small three-masted sailing vessel of rather ancient build and design. It proved to be unequal to the winds and billows of the December sea and on the ninth day out the miserable passengers were startled and thrown into a panic at being called to man the pumps. The old hulk had sprung a serious leak, a gale was blowing and the nearest land was hundreds of miles away. The sails were torn to shreds and scattered to the four winds. The ship drifted helplessly for days and only the continuous pumping kept it from sinking.

"We took turns at the pumps one hour on and one hour off, day and night," says Mr. Kuony. "Some of the passengers became sick; others went raving mad. Finally the storm abated, but the leak in the ship could not be repaired. A passing vessel saw our signal of distress, answered it and gave us a spare sail. This was rigged up and by means of it we made the rest of the voyage, which took seventy-two days. We had been ordered to take provisions from Havre for sixty days. Ordinarily the voyage took only thirty-five or forty days if the weather was favorable, but sixty was considered a safe estimate. Our provisions began to give out long before we sighted land, and then we drew from the ship's stores four crackers and two raw potatoes daily. I remember my partner and myself finding some stray crumbs which we made into a soup, using sea water. Finally one night we sighted the lights of New York and then there was great rejoicing. We were pretty well toughened to our arduous labors by that time, but were not sorry to give them up. We cast anchor, but that night another storm arose, the anchor dragged and we were stranded on a sandbar. All efforts to get free failed and finally two schooners were sent out which took us off. They conveyed us to land and then in wagons we were taken through the deep snow to a village and there we took the cars for New York."

But the young adventurer found that coins were no more plentiful on the streets of New York than in France. He had only a very small sum of money, and after searching in vain for work he left for Buffalo. There, because it was midwinter and because he could not speak English, he was also unsuccessful in getting employment. He was just "on his last legs" when, with the aid of a priest, he secured a position teaching the German parish school at Lancaster. He remained at this place until spring, when navigation opened on the lakes. Then he took passage for Milwaukee. The only employment he could get there was tending bar in a saloon, for which work he received \$8 a month.

### Caught by the Cholera

As soon as he got enough money he left this inhospitable city, went by rail to Whitewater, Wis., thence by stage to Galena, Ill., by boat down the Mississippi to Muscatine and by stage to Iowa City. He expected to meet some old friends of his family there. When he arrived he learned they had left just two days before. Undaunted, he got a job splitting rails and chopping wood. In the spring he returned to Muscatine and worked on a fruit farm. Then he worked in a store in Muscatine. That fall he took the last boat down the river to St. Louis, thinking maybe fate would be kinder to him in a city. But he was mistaken. He could get only the least remunerative work and the hardest. He knocked around at several things and then, to make matters still worse, the cholera broke out. Thousands died and young John Baptist Kuony was present at the bedside of many who writhed in the tortures of that awful plague. Through the day the wagons, which he says looked like hayracks, went about the city gathering up the coffins.

At the time the cholera broke out he had been employed by Architect Rumbold, who drew the plans for the first territorial capitol building of Nebraska. But the architect fled from the city and when the plague had abated young Kuony was unable to find employment. Discouraged and desperate, he finally went to a labor agency. There he met Samuel Baylis of Council Bluffs, who had come to St. Louis to buy a saw mill. He persuaded the young Frenchman to come up the river and work in the Pacific house in Council Bluffs. Kuony gladly agreed and, in company with others from St. Louis, made the trip up the river by boat.

He was still penniless upon his arrival and the scene which met him at the boat landing, then at the present site of Lake Manawa, was a dreary one.

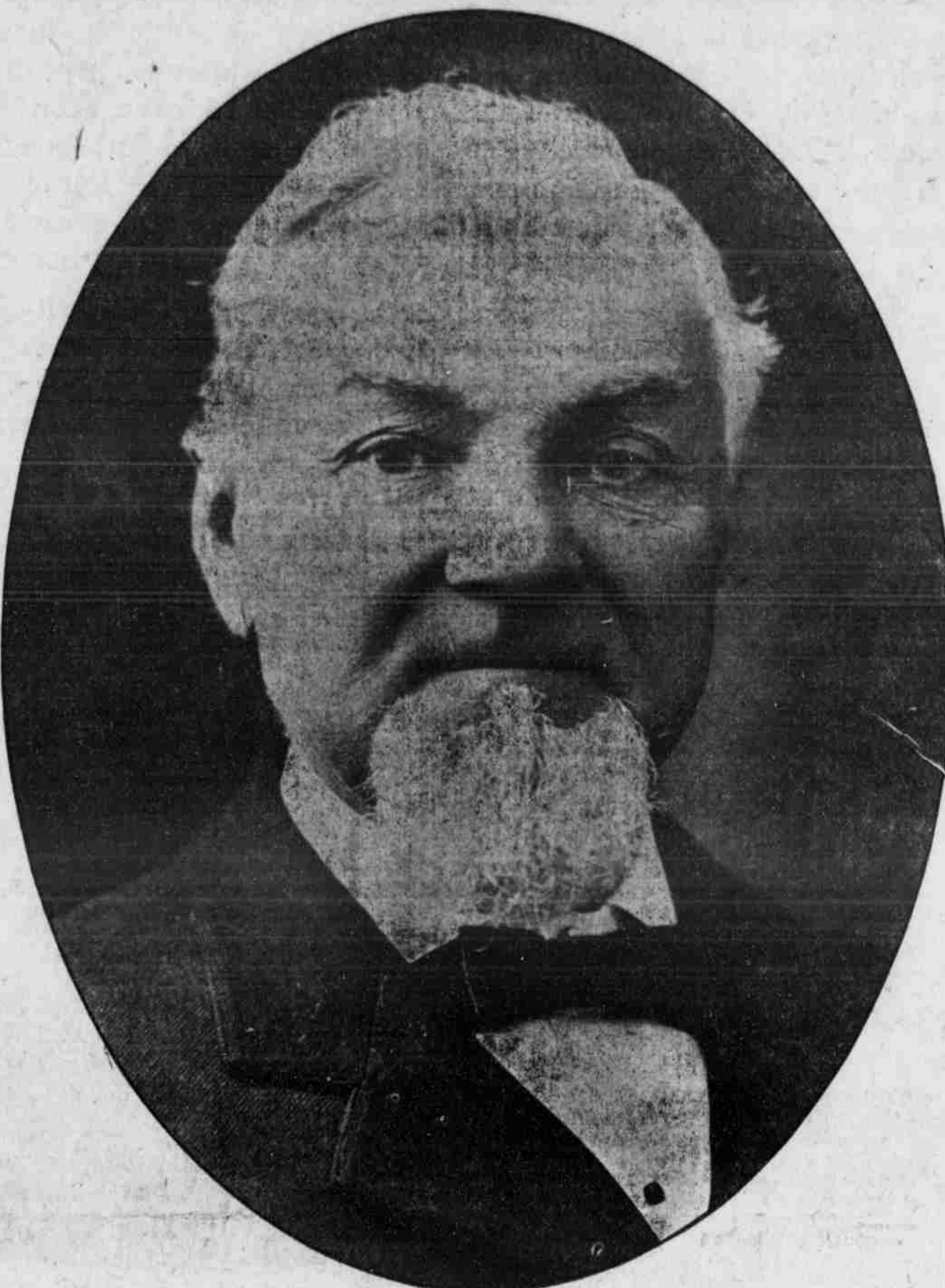
### His Start in Omaha

"They unloaded a lot of hardware, vegetables and groceries there on the bank," he said, "and when we got off we built a fire in one of the stoves, took a kettle from a pile, filled it with water from the river and boiled a lot of the potatoes and ate them. After we had eaten three Indians came up and stood watching us. Finally one of them reached down inside his blanket and pulled out a long string of the entrails of some animal. He coiled these on top of the stove and let them roast. Then the three ate them. This was my introduction to the 'noble red man' of the west."

That afternoon he walked in to Council Bluffs, then known as Kanesville, and took his position at the Pacific house. This was late in the summer of 1854 and few of even the earliest settlers of Omaha had arrived. In November of that year Mr. Kuony visited Omaha and took up a claim about four miles west of the river. He built a cottonwood cabin on it at a cost of \$25. Then, his evil fate still relentlessly pursuing him, induced him to believe the claim was worthless and he abandoned it. It is needless to point out that the land is very valuable today.

Mr. Kuony was the first cook in Omaha's first hotel, the Douglas house, located at Thirteenth and Harney streets. He helped the Wells brothers open this place.

"It was a poor sort of a building," he says. "After they got the main part done they found it was too small, so they built a shed to the south for a dining room. It was made of green lumber and



JOHN BAPTIST KUONY.

soon the cracks between the boards were so big that you could look out almost anywhere. When it snowed we had to sweep the snow off the tables in the morning. There was no floor in the place, but the ground was covered with sawdust to a depth of four inches. The tables were made by driving stakes into the ground and then laying rough cottonwood boards on top. Similar boards were laid along each side to be used by the guests as seats."

In this primitive place many of the members of the first territorial legislature ate their three meals a day. There were no dinner suits in that crowd. Often overcoats, ear tabs and fur caps were the correct dinner garments, for the wintry blasts came in through the shed so fiercely that sometimes the viands were frozen in the dishes before they could be eaten.

After the legislature adjourned Wells brothers disposed of the Douglas house and \$60 was due Mr. Kuony in wages. His employers wanted to give him ten Omaha city lots in settlement, but that

imp of misfortune which had pursued him so long whispered him not to take them and he obeyed. The lots would now be worth tens of thousands of dollars, as they were all located in the heart of the business district.

Then this much-buffed-about pioneer returned to the Pacific house in Council Bluffs. Later he came to the Douglas house and took charge of the culinary department, when George Mills was running the place. There he met Miss Regina Maas, who was also employed at the hotel. They were married July 13, 1856, at the Douglas house. This was the second marriage performed in Omaha. Each of the young persons had been thrifty and had saved some money. That same evening they moved their few belongings to a small brick building, which still stands on the southeast corner of Thirteenth street and Capitol avenue, and the next morning they opened the "Nebraska House." The big sign facing the steamer landing seemed to shout aloud for patronage. But still relentless

fate pursued. Marriage seemed no charm against it. They sold out the Nebraska house that same fall.

This son of hard fortune next decided to try real estate. He bought a lot at Eighteenth and Cass streets for \$600. He put the rest of his money in "Eapertown" lots, that is, in lots of imaginary towns which had been laid out by hopeful men all over the state. When he had got all his money safely invested in this manner the panic of 1857 came and swept everything away. He was penniless again. Then he moved with his family to Fort Calhoun.

### More Venture, More Trouble

There the undaunted young couple set to work with true French industry. Mr. Kuony did manual labor and his wife saved his money. The result was that they were able to buy a lot and erect a cottonwood house 14x22 feet in size. This was the first home they had owned and they began to think their evil fate had relented.

Then came again the imp of misfortune and whispered in their ears wondrous tales of great wealth in Colorado. They decided to make one more attempt. They sold their house, bought a wagon and horses and set out across the plains for Denver. The hardships of that trip were only the hardships common to the trip across the plains. They pressed on west from Denver and located a claim in Willis Gulch, where they found what they believed to be paying "dirt." For many weeks they worked. Mr. Kuony and his partners hauled tons of ore many miles to the stamp mill. When it was broken up the value was found to be just \$9.

Once more they "pulled up stakes" and set their faces toward the east. They were absolutely penniless and without even food. Arriving one day at a cabin, they were so hungry that they would have almost committed robbery for food. No one was at home. With an axe they pried up a window, entered and eagerly devoured the stale bread and vegetables which they found within and then, with the pangs of hunger somewhat dulled, cooked a full meal with flour and potatoes which were on the place.

Arriving at last in Denver, they set dauntlessly to work. With the persistence and courage of two small ants they set about repairing their broken fortunes. They opened a restaurant and it prospered. Had the trips of misfortune forgotten them? It seemed so. Then came the big fire which, in 1863, burned down a large part of Denver. The restaurant was among the ruins. With the little money remaining they decided to return to Nebraska.

### Historic Event in Denver

Mr. Kuony recalls some of the scenes of early Denver. He worked for a time in the great gambling house, Denver Hall. He saw the shooting scrape between John Steele and William Byers. The latter had started a paper and in order to have it on neutral ground between Denver, standing on one side of Cherry creek and Aurora on the other, he had built his office on piles in the middle of the creek. Steele had shot a negro in a saloon. Byers in an editorial denounced the deed. The next afternoon Mr. Kuony saw a lot of friends of Steele take Byers from his office and carry him to the Criterion saloon, where they were going to have a "trial." He escaped them, but the next day John Steele rode up to his office and shot him through a window. Steele fled and a man named Pollock shot him as he galloped up Blake street. Occurrences of this kind were not at all uncommon in Denver in that day.

Upon returning to Calhoun the Kuonys established a store. Misfortune had struck its last blow at them in the Denver fire. Since then they have prospered. Mr. Kuony conducted his store for twenty years. Industry and frugality won. He retired from business in 1887 and built a comfortable home at Twenty-second and Maple streets, Omaha. There he and his wife have lived ever since. They have acquired considerable property in Omaha and elsewhere. Their only daughter, Josephine, wife of W. G. Shockey, died in Manitou, Colo., in 1884.

Mr. Kuony represented Washington county in the legislature in 1883 and 1885. He was a member of the school board and school treasurer in Calhoun. He was appointed postmaster of Calhoun in 1864 and held the position until 1878, when he resigned prior to taking a trip to Europe with his family. He was mayor, treasurer and member of the city council of Calhoun. In the early days he had the distinction of being treasurer of the Vigilance committee. He was also secretary of the Washington County Old Settlers' association for a time. He was a member of the Omaha Board of Trade from its organization in 1877. He joined Solomon lodge, No. 10, Ancient Free and Accepted Masons, in 1867, in which order he held most of the offices at different times. He is now a member of Capitol lodge, No. 3.

Mr. Kuony has withstood the misfortunes of life most excellently and has arrived at his seventy-seventh year in strong health. He is cheery and happy, truly "a man that fortune's buffets and rewards has ta'en with equal thanks."

## Lone Man's Long Fight With Lumber Company

How a Wisconsin Backwoodsman Succeeded in Bringing a Corporation to Time and to Recognize His Personal Rights

**C**HIPPEWA FALLS, Wis., Sept. 28.—"The only way to take Diets is to kill the whole family, for the women and boys shoot as well as Diets does."

That's what Sheriff Gylland of Sawyer county said in July, 1906, when he returned from one of the many fruitless expeditions against the outlaw of Cameron Dam. At that time John F. Diets, backwoodsman, had succeeded for more than two years in defying the mandates of the state and federal courts, had defeated the strategy of a score of sheriffs, marshals, constables and their deputies who had sought to serve legal papers on him, and with the aid of only his wife and his five children, not counting the baby, had repelled again and again the attacks of parties, one made up of state guardsmen, who tried to take him by force.

In these attacks the Diets guns wounded at various times eight or ten men, and his own boy, Clarence, aged 19, was shot in the forehead. Now the long campaign has ended. The Dietses are all alive. What Sheriff Gylland said was true. Ergo, Diets is a winner.

The cause of the trouble was a lumber company's refusal to pay Diets \$5,000 toll for logs driven down the Thornapple river through his property. When the company declined to pay he built at Cameron Dam, near the edge of his holding, an obstruction that held up more than 20,000,000 feet of logs, valued at \$200,000.

The mills on the river below were compelled to shut down. The company tried every legal device to oust Diets without avail. Last week it was compelled to settle. Many times the company tendered a peace offering, but Diets held out, for an acknowledgment of the justice of his claim. Now he's got it, together with \$15,000 for permission to float the logs.

The home of the Dietses, the scene of this four years' contention, is in a forest that is as nearly primeval as any that survives in the upper valley of the Mississippi. Mrs. Diets holds title to eighty

acres on the banks of the Thornapple, including the Cameron Dam.

The astonishing part of the affair has been the inability of authorities to serve court orders on Diets. Charles Peterson, then sheriff of Sawyer county, was the first to fail.

On April 26, 1904, he went to Diets's with an injunction from Judge Parish restraining him from interfering with the movement of the logs. He returned without having served the injunction.

A week later Deputy Sheriff Fred Clarke arrived from Hayward. He wanted Diets to return with him without a warrant, saying, "You had better go, for if you don't they will send an armed force with a bench warrant, which calls for your body dead or alive, and if you don't go they'll shoot you."

"If it is going to be a shooting game I am a good shot myself," responded Diets.

Another week passed, and then ex-Sheriff Giblin and William Elliot and a posse of about twenty men, all armed, made an attempt to capture the man who then was being referred to as the outlaw. He had been warned of their coming—Diets had lots of sympathizers—and was lying in wait for them about four miles from his home. He said he didn't want to put his wife and children within rifle range.

Giblin, so Diets declares, fired first. Four shots struck the ground on the knoll behind which the outlaw was lying and the dirt nearly blinded him. "I ran into the forest and hid behind a tree," he says. "Then I fired several shots into the air to scare them. They hurried away like a lot of frightened children."

Whether they really hurried is not known, but the fact remains that they did not serve any papers on the outlaw. Diets has always maintained that the men who were sent to arrest him didn't really want to do so. Some months later, when they were talking of sending the state guardsmen after him, Diets said:

"The soldiers, if they should come, might, for

appearance sake, make a display against me, but if they should see me coming with my popgun they would take to the woods, like many of the marshals have done before them."

In April, 1905, twenty-eight United States deputy marshals camped near his home. Diets was sure that they had been sent to capture him, but they did not exert themselves more than enough to draw their pay. He had some encounters with them, but nothing serious occurred. The outlaw's next experience was with United States Marshal W. T. Pugh on April 13, 1906. One of the Diets boys answered the marshal's knock at the door of their home.

"Is your father in, my boy?" he said. "Tell him I want to talk with him in a peaceable manner." Diets came, and immediately Pugh began to open a bundle of papers. Diets told him to get off his premises immediately.

Near the house was a woodpile, and as Mr. Pugh left, carrying a revolver in his hand, he shoved the package in between the sticks of wood. Diets saw it and as soon as Pugh was out of sight he took a pitchfork from the barn and with it removed the package and without touching it with his hands threw it into Thornapple river. He doesn't know whether it contained warrants or an infernal machine.

The most serious encounter between the Dietses and the authorities was on July 26, 1906. Sheriff Gylland had made four unsuccessful attempts to get the outlaw. Governor Davidson was then asked to assist the county authorities to the extent of furnishing the aid of members of the National Guard. Governor Davidson finally consented to send six militiamen.

When the attacking party approached the Diets place the outlaw sent word to them that he had enough ammunition to last three months and intended to use it. The guardsmen, in uniform, marched on toward the house.

Who fired the first shot is a matter of dispute. Diets was hauling hay. His wife saw three guardsmen at the foot of the hill back of the house and told him about it.

He went in that direction and told them to leave his property. Two drew back and one hid in the underbrush. Helen Diets, aged 13, saw him and ran to the house with the news.

Clarence, the boy, started out to warn the man in uniform that unless he withdrew he would be shot. The father ran for his gun and Clarence's elder brother quickly fired ten shots into the underbrush where the soldier was believed to be hiding.

The shots came thick and fast then. An employe of the lumber company who witnessed the battle says that Diets fired first, and that when the soldiers sent an answering volley Mrs. Diets and her two sons and three daughters hurried from the barn into the house carrying rifles. Bullets came from the portholes which had been built in the house.

The battle lasted for an hour, with almost continuous firing. One guardsman was wounded seriously. The boy, Clarence, soon recovered.

After that engagement Governor Davidson exclaimed: "Diets must be taken now, no matter what the cost." But the next morning he decided that he didn't want to order the killing of Diets or any of his family—and that certainly would have resulted had there been a stronger attack upon them—and matters drifted along until the other day, when Diets's brother met W. L. Moses of the Chippewa Lumber and Boom company in St. Paul and received from Moses \$15,000 for permission to float out the logs that had been held captive so long.

Until the last logging company had refused to deal with Diets, but Diets didn't have any scruples about taking the money through a third person, so long as the payment was a recognition of the justice of the claim for which he and his family had fought.