

of anything it contains, detract from the conclusiveness of such evidence since its passage, in that no statute can constitutionally derogate a vested right."

The court also decided, that a judgment could not be obtained against the plaintiff for the value of improvements, if they exceeded the rents and profits; but that the occupying claimant should be allowed, as an offset for damages, any improvement he had made or purchased from others.

In these three different ways there were claimants to the lands in the southern part of Lee County, which for quite a number of years created much interest in the courts and before the public.

(To be Continued.)

MADISON COUNTY.

BY COLONEL HENRY J. CUMMINGS.

I cannot resist your kind request for me to give you a sketch of the early settlement of this county, and will forward the same to you as soon as I can gather the necessary information, and my time will permit.

Let me, however, give you a brief statement of the county as it is, for it will not be many years until the present time will be included in its "early history."

Madison county is reported by the census of 1867, to contain a population of 9,764 souls; but it has much increased since that time, the county having settled up very rapidly, especially the north part, on the line of the C. R. I. & P. R. R.

Madison county contains the following towns: Winterset, St. Charles, Peru and Webster. Webster rejoices in some half dozen houses, Peru in double that number. St. Charles is a thriving little town of some three hundred people. Winterset contains a population of about 1,700. It has just completed a large stone school house, capable of accommodating five hundred and fifty scholars. The city school district, which includes but very little more than the incorporation, had,

according to the last school enumeration, a few over five hundred who were within the school age. A new court house—dressed stone—has progressed as far as the basement story, and will when completed, surpass any like building in the State that has come under my observation.

Of hotels Winterset has not the usual number, having but two, the "St. Nicholas," a three story stone, and the "Ohio," a two story frame. I copy from the card of the latter that some future historian who makes up his record from the "Annals of Iowa," may know what inducements were, in 1868, held out to the traveling public :

"This house is well furnished and refitted, and has a new quorum of kitchen-girls, table-waiters and chamber-maids, who will spare no pains in making guests comfortable. Good stabling and yards in connection with the house. *Charges reasonable.* N. B.—I am still running a first-class variety store on the north side of the court house square."

In the matter of curiosities, Marion county boasts of the tallest man, the tallest woman and the shortest man in the State—the latter more diminutive than General Tom. Thumb. It has a further curiosity which is worth a trip of many miles to see, and which bears the enphoneous title of the "Devil's Back Bone." Middle River runs close to a steep, high ridge, which is over two hundred feet above the water level, and then bears in a circuitous route away and some two or three miles further down its couse bends around until it passes upon the other side of the same steep, high ridge. From water to water is less than one hundred feet. An enterprising citizen has tunneled the ridge through solid rock, and thus without anything worthy of the name of a dam, he takes so much of the water as he wants and has a water power of nearly twenty feet fall. The top of the ridge is only wide enough for the wagon road that runs over it. The water power is now used by a small flour and lumber mill. A large room has been made in the rock around the mill end of the race making as delightful a bathing place as can be found any where. It is about five miles from Winterset, and will some

time, no doubt, be made a resort for bathing purposes, and also furnish the motive power for valuable machinery.

I need not say that this is one of the best timbered and watered counties in the State; that its prairies are small, rolling and dry; that as an agricultural county it has no superior—these are facts known and recognized by all who have seen much of Iowa.

The county has, I am told, several hundred miles of hedge fence; it is doing well, and has demonstrated its adaption to Iowa soil. A great amount was set out this year, more will be set out next year, and year after year. I will leave it for some one who is better informed, to give an account of the manner fences are now made of it.

Hoping that this hasty sketch has somewhat of interest, I will as time will permit, prepare you one or more articles upon the earlier settlement of the county.

HISTORY OF MAHASKA COUNTY, WITH ITS CITIES AND TOWNS.

BY CAPT. W. A. HUNTER, OF OSKALOOSA HERALD.

CHAPTER FIRST.

Mahaska county was organized by an act of the Territorial Legislature, February 5th, 1844. The county is situated in the Des Moines Valley, about one hundred miles west of the Mississippi River, and about two hundred miles east of the Missouri River, and about fifty miles north of the north line of the State of Missouri. It is surrounded by the following counties, to-wit: on the east by Keokuk, on the north by Poweshiek, on the west by Marion, and on the south by Monroe; and in a climate unsurpassed for salubrity by any portion of the United States. It has never fallen to the lot of man to enjoy a more pleasant and beautiful country. Its summers are healthy and pleasant, and its winters much more agreeable and endurable than those of States east of us.

It contains five hundred and seventy-six square miles, and sixteen townships, viz: Cedar, Harrison, Des Moines, Jefferson, Scott, Oskaloosa, (embracing two townships), White

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