

COUNCIL BLUFFS.

NEW MOVE IN CUPPY CASE

Motion Filed in District Court to Dissolve Temporary Injunction.

INSANITY BOARD ASSERTS JURISDICTION

Claim is Also Made That Cuppy is Mentally Incapable of Bringing the Injunction Proceeding of His Own Motion.

A motion to dissolve the temporary injunction restraining the Board of Insanity Commissioners and others interested in the case of the alleged insanity of W. B. Cuppy of Aveca from taking any action in the matter has been filed in the district court and will be heard by Judge Green, or such judge as may preside on January 6.

In answer to the allegation that the commissioners for the insane have no jurisdiction east of the west line of range 40, the line which divides Pottawattamie county into two divisions, it is claimed on behalf of the board that it has jurisdiction over the entire county. Further, it is claimed that while the suit in the district court in Aveca, which is pending, is simply an action for the purpose of obtaining a guardian for the property and person of W. B. Cuppy, the question which the Board of Insanity Commissioners is called upon to determine is that whether the plaintiff, W. B. Cuppy, is a fit subject for commitment to the State Insane asylum and has no reference to the civil action now existing in the district court and in no way interferes with the jurisdiction or finding of the district court, and consequently there can be no conflict of jurisdiction.

On the other hand, Mrs. Susan A. Cuppy, wife of W. B. Cuppy, in support of the motion asserts that her husband is of unsound mind and therefore in the eyes of the law incapable of making suit in his name. On behalf of the other defendants named in the injunction proceeding it is claimed that they have done the best they know how for the interests of Cuppy and his wife and allege that Cuppy's attorneys brought the injunction suit with the sole purpose of making fees, as they have knowledge of the mental condition of Cuppy was not of sound mind and incapable of bringing any such action in his own name.

The suit is attracting more than ordinary interest owing to the prominence of the Cuppy family in the east part of the county.

William T. Cochran filed suit for divorce in the district court yesterday from Gretchen Cochran, whom he married July 21, 1890. He bases his suit on charges of cruel and inhuman treatment and alleges that his wife is of unmanageable temper, and that not only on one occasion did she stab him with a table fork, but that on another she tried to decapitate him with an axe. Trying to live with her, he claimed, made life too strenuous, and for this and other reasons he prefers that the court grant him a divorce.

Pottawattamie county is made defendant in a suit for damages brought in the district court yesterday by Edward Holden, E. Zimmerman, J. L. Milner and Henry Dolan. Holden relates that yesterday the plaintiff, who are farmers, allege that the construction of certain bridges, known as bridges No. 1, 2, 3 and 4, over Indian creek east of Lake Manawa, is such that in times of high water the bridges act as dams and cause the water to overflow on their lands. Holden and Zimmerman each ask \$1,100 damages, Milner \$1,000, while Dolan would be content with \$400.

Flue line of box stationery at Morgan & Dickey's, 142 Broadway.

Plumbing and heating. Bixby & Son.

RUN DOWN BY SWITCH ENGINE

Unidentified Man Instantly Killed in the Washak Freight Yards.

A man whose identity was not disclosed was run down and instantly killed last evening shortly before 8 o'clock at Eighteenth and Eleventh street by a switch engine on the Washak freight tracks.

The engine, which was pulling four freight cars, was proceeding west when it overtook the man, who was walking between the tracks. James Mathews, then engineer, failed to notice the man until the engine was right on him. The man's head was severed from the body and the trunk was horribly mangled, not a single bone apparently being left unbroken. James McSorley, yardmaster for the Washak, was in charge of the switching crew.

There was nothing on the body of the man, who was evidently a working man, to identify him. The remains were removed by order of Coroner Treynor to Cutler's undertaking rooms, where an inquest will be held Monday morning.

N. Y. Plumbing Co., telephone 255.

All the new books at Bushnell's.

Ping pong and all kind of games at Morgan & Dickey's, 142 Broadway.

Back to Old Home for Burial.

The remains of John L. Howe, the express messenger who was killed Thursday evening at the Union Pacific transfer depot by the accidental discharge of a gun in the hands of a fellow messenger, will be taken this evening to his old home in Topfield, Mass. Funeral services will be held at the First Congregational church at 3 o'clock, conducted by the pastor, Rev. James Thomson, following which the body will be taken to the train. Members of Excelsior Masonic lodge, to which deceased belonged, will act as pallbearers.

Funeral services will be held at the residence of Coroner Treynor, who will furnish an escort. Coroner Treynor decided yesterday that an inquest would be unnecessary as the shooting was purely accidental.

A Free Heating Scheme.

Before you buy your coal see Wm. Welch at 16 North Main street and he will explain to you how you can get a free Round Oak heating stove without costing you a penny. Phone 128.

Chicken Thieves Make Good Haul.

Chicken thieves did a wholesale business Friday night at the residence of Fred Geise on East Washington avenue. They not only depopulated the henroost, but succeeded in carrying away about three dozen ducks and twenty-five full grown geese. Tracks in the snow indicated that they carried away their plunder in a wagon and it is supposed they drove over to Omaha and disposed of the fowls in the market there.

Gravel roofing. A. H. Reid, 128 Main St.

Photos Enlarged for D&C.

Bring this ad to 304 Broadway before January 1 and I will make an enlarged portrait from good small picture for 50c. Faded or scratched photos cost more. Oak frames, \$1.50 up. Carveth, Artist.

With the Churches.

At St. Paul's Episcopal church today there will be holy communion at 8 a. m. and morning prayer and litany at 10:30 a. m.

NOTICES NECESSARY

Colonel Mosby Declares the Law Contains No Sixty Days Provision. FENCES REMOVABLE ON DEMAND. Notice is Merely a Department Regulation. Not to be Observed or Written, with No Prescribed Form, and Not Binding on a Court.

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All Photos Taken.

At Schmidt's before December 23 will be finished before Christmas, sure.

MINOR MENTION.

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Burnt wood and leather goods. C. E. Alexander & Co., 33 Broadway.

K. and L. S. card party, Marcus Hall, December 23. Admission 10 cents.

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