

# SAYS PRINCE HAD A FIT OF ANGER

## Eveleth Attorney Replies to Alleged Attack Upon Him by Municipal Judge.

J. C. McGilvery, city attorney of Eveleth, now in Duluth defending Tony Pezzulo, who is on trial in district court on an indictment charging assault, made a vigorous reply to the charges alleged to have been made against him by Municipal Judge Vivian Prince, at the last council meeting at Eveleth. A full report of the charges was printed in the range department of the News Tribune yesterday, and Mr. McGilvery said after reading the article, that the statement was "simply another angry outburst on the part of Judge Prince."

Judge Prince, it is said, accused McGilvery of aiding defendants in city cases, where he appeared as prosecutor, in getting their cases dismissed, it being impossible for the court to interfere. Judge Prince is said to have cited a specific instance, that of the slander case of Mrs. Max Greenberg against a relative, Mannie Weyenberg. The judge claimed, it is said, that McGilvery accepted compensation for his services. Mr. McGilvery said yesterday:

### Facts In the Case.

"The facts in the Greenberg case are these: Mrs. Greenberg had a warrant sworn out for her nephew, who was accused of slandering her. Judge Prince was in Superior at the time and his clerk signed the court's name to the warrant. The chief of police came to me with the warrant and stated that he knew the warrant had not been signed by Judge Prince and asked me what he ought to do about it. I told him he ought to find out whether the court authorized the clerk to sign his name.

"Mrs. Greenberg's nephew, as soon as he understood the situation, stated that he was perfectly willing to appear in court and would take no advantage of any apparent irregularity about the warrant.

"Mrs. Greenberg was sent to me. I questioned her about her witnesses and evidence. She said she had but two witnesses and these would not swear that her nephew slandered her. I told her that it was useless to prosecute the case if she had no evidence. She declared that she wanted to keep him arrested. I told her that the courts of law could not be used for that purpose. That afternoon her husband came to my office and demanded that we keep on prosecuting his relative. He even offered to pay something to have this done. I told Greenberg that I was a public prosecutor, not a persecutor.

"The case came up before Special Judge McInnis, who asked me what the matter was about. I told him that so far as I had been able to learn there was no case. Greenberg, who was present, declared that he had two witnesses who would swear to the slander, and the court continued the case when I told Greenberg to bring his witnesses to me so that I could interrogate them as to what they knew about the matter.

"Nothing more was heard of the case for a time. Mrs. Greenberg's relative went over to Aurora to work.

### Sent for the Chief.

"When Judge Prince came back Mrs. Greenberg paid him a visit after which Judge Prince sent for the chief of police and wanted to know why the nephew had not been kept in custody. He ordered the officer to go to Aurora and get the nephew.

"Judge Prince then criticised me for not prosecuting the case and when I told him that it required witnesses to prosecute a case for the city he declared that I had the testimony of Mrs. Greenberg and that should be sufficient.

"I turned loose on Judge Prince and told him just what I thought of his opinions and his actions all through the matter.

"Judge Prince is naturally pretty sore at me and that is probably why he made the vicious attack credited to him.

"Judge Prince has been afraid right along that I would be a candidate for municipal judge in Eveleth, where I hold some property and am a taxpayer. The position has never appealed to me but I wish to state that so long as Judge Prince has taken the action he has he may consider me an active candidate for the judgeship from now on."