

# PREFERS CHARGES AGAINST ATTORNEY

## City Attorney of Eveleth Is Accused of Acting for Both Sides.

(Range Bureau of the News Tribune.)

EVELETH, April 3.—Judge Prince of the municipal court publicly charges that City Attorney J. C. McGilvery is retained by defendants in city cases whom he is nominally prosecuting, and that in virtue of his position as prosecuting attorney McGilvery is able to have cases dismissed by making a motion to that effect which, as judge, he is unable to resist.

These charges were made by Judge Prince at the trial of Mannie Weyenberg for slander against his relative, Mrs. Max Greenberg, Saturday afternoon, and repeated with vehemence last night at the city council meeting. In the Weyenberg case the defendant made application for a change of venue on an affidavit acknowledged by Attorney McGilvery, and Judge Prince forthwith accused the two of acting together. The witness put on the stand by Mrs. Greenberg testified in a manner to assist the defense, and on motion of Attorney McGilvery the case was dismissed, both Judge Prince and Special Judge McInnis acting.

### What He Charges.

Judge Prince claims that Mr. McGilvery has acted for the defence in four recent cases, and that he received money for doing so when it was his duty to attempt to obtain a conviction. One of these cases is the Weyenberg case and another was a case against Tony Azzo, the ex-policeman, for assaulting a man in his saloon.

Judge Prince also alleges that he has been persecuted by the city council and city attorney in the matter of costs in dismissed and committed cases. Certain items in his bills were not allowed by the council. Now Judge Prince claims that the council has no jurisdiction over his charges for these purposes, and he read the law, which says that the clerk or village recorder shall make out orders in these cases without reference to the city council. Political and personal reasons are alleged by Judge Prince to be the reason these bills were not allowed in full.

Until these matters are adjusted the clerk of court will refuse to turn over any fines accruing to the city. The court will use this as a lever to force the council to change things. The money will be deposited in the bank and Judge Prince will hold certified checks for it.

### Refuses to Turn Over Fines.

The refusal of the court to turn over fines was contained in a written communication to the council and signed by Sadie Murphy, clerk of the court. After the reading of the communication Judge Prince asked for permission to address the council, and stated he did not know his clerk had made this refusal, but he substantiated the position she had taken. Judge Prince addressed the council at length. He stated that the action of the city attorney in moving for dismissals when conviction should be secured placed him in a very peculiar position. He strongly denounced the attorney, and accused the council of discriminating against him ever since he took office.

Judge Prince also asserted that the city has not an ordinance that will hold water. He said every ordinance drawn by Attorney McGilvery was a verbatim copy of some Duluth ordinance, and that as Duluth is a city of 75,000 population acting under a home rule charter, these ordinances were not suited to Eveleth and are not legal. Judge Prince referred to the case of a prominent citizen who was ordered to desist erecting a frame structure within the fire limits recently and who continued to build, notwithstanding the warning of the fire warden, because he knew the ordinance was not good.

Judge Prince made no bones about the extent to which he was ready to go in his charges. He said: "I do publicly incriminate him." He demanded a committee to investigate, and the following were appointed for the purpose: Sax, Gleason and Murray.