

# MRS. NINA FORMBY MAKES AFFIDAVIT TO ASSIST FRANK

Understood That Defense  
Has Paper Signed by Her  
in Which She Repudiates  
Affidavit Given Police.

## CHARACTER WITNESSES MAY CHANGE TESTIMONY

Reported Defense May  
Make Attack Upon Detec-  
tive Rosser, Who Secured  
Evidence Against Frank.

Another interesting development in the Frank case came to light Sunday when it became known that attorneys for the defense have obtained from Mrs. Nina Formby an affidavit reported to accuse detectives and the police of inveigling her into a "frame-up" against Frank shortly before his trial.

A member of the counsel for the defense stated that the affidavit was in existence, but that he did not know its exact details. He declared it would be of aid to the defense, and that it would create astonishment upon being made public. Rumors were that she accuses the police department and detective bureau.

### Character Affidavits.

A number of affidavits from character witnesses, repudiating their testimony on the stand, is likewise reported to be in the hands of the defense. It is said that a number of girls and women who testified for the prosecution have repudiated their testimony and have furnished evidence that will be used by the defense in its probable move to gain a new trial.

Attorney Luther Rosser, when communicated with by a Constitution reporter last night, declared that he had nothing whatever to say regarding the Formby affidavit or the others. He said that, for his part, the defense would make no statement of any kind. He would neither deny nor affirm the affidavit.

C. W. Burke, the private investigator attached to Rosser's office, who obtained the Albert McKnight affidavit which was published in the Sunday morning papers, is said to have secured the admission from the Formby woman. It is rumored that she declared her statement made to Chief Beavers, Solicitor Dorsey and a number of detectives several weeks previous to the trial, was false, and that she was coerced into it by detectives.

It is also reported that the defense has evidence attacking Bass Rosser, a headquarters detective, who has been assigned to the Mary Phagan murder since the body's discovery. Rosser found Monteen Stover, the girl who swore she visited the pencil factory at 12:05 o'clock on the day of the murder, and found Frank absent from his office.

### In Dorsey's Office.

He was also instrumental in unearthing considerable evidence produced against the prisoner during trial. For the past several weeks he has been detailed exclusively to the office of Solicitor General Dorsey.

Rumors are that Rosser will be charged with concocting evidence against Frank, and of being a party to the accused "frame-up" said to be alleged by the Formby woman. A number of affidavits, it is stated, are on hand to substantiate the reported charges against him.

Another rumor is to the effect that investigators for the defense are probing the report that signals were given by the Frank jury at least forty minutes or more before their verdict was rendered in the courtroom, and that the nature of their decision was generally known in the court considerable while before they filed in for their announcement.

The defense will have nothing to say on this. A member of the counsel has said, however, that they had heard rumors that the jury had signaled its decision.

The Formby woman's affidavits, made for Chief Lanford, Chief Beavers and Solicitor Dorsey quite a while before the trial, set forth that she had received a telephone call from Leo Frank about 6 o'clock on the afternoon of the murder, and that he had frantically pleaded with her to permit him to secretly bring a girl to her house on Piedmont avenue.

### Had Been to Her Place.

She also stated that although Frank had been to her place repeatedly, she would not allow him to visit again, and that she refused under the pretense of leaving her apartments at Piedmont avenue and Currier street for an automobile ride.

The affidavit attacked Frank's character. But little faith, however, was pinned to it. She was not even called to testify. Her police record was bad, officials say, and she is said to have been the keeper of a disreputable resort.

Her signature was put upon the affidavit in the office of Detective Chief Lanford, and in the presence of Judge Nash R. Broyles, Sidney J. Coogler and others. The woman was visited at her home by detectives and Chief Beavers, Lanford and the solicitor general.

Reuben Arnold said to The Constitution last night that the defense would take no action at all in the trial of Jim Conley, which is scheduled today, on a charge of accessory after the fact in Mary Phagan's murder. "We have nothing to do with that," he stated.

It was rumored that the defense would make a vigorous effort to block the trial. The negro's arraignment is expected to take place some time this morning before Judge Ben Hill.