

# PLIED WITH WHISKY SHE LIED IN STORY TOLD ABOUT FRANK SAYS MRS. FORMBY

Woman Who Made an Affidavit That Prisoner Had Telephoned Her That He Wanted to Bring Girl to Her House Says Detectives Brought Her Booze for Three Weeks.

## CHARGES "FRAMEUP" IN INTERVIEW GIVEN TO NEW YORK PAPERS

Declares She Has Repented Making False Affidavit. Detectives Norris, Chewing, Rosser, Vickery and Hamby Figure in Story. Didn't Know Frank, She Says.

New York, February 25.—(Special.)—Repentant over having made a false affidavit accusing Leo M. Frank, who was sentenced to death for the murder of the little factory girl, Mary Phagan, in Atlanta, Ga., Mrs. Nina Formby, of Atlanta, tonight called up The New York Times and asked that she be permitted to make a public denial of the statements she made against Frank in her affidavit. Mrs. Formby repeated again and again that she had made the affidavit against Frank only after she had been unduly influenced to do so by the Atlanta detectives.

Although her affidavit was not used by the prosecution in the trial, she believes it influenced public opinion and had its part in convicting the young superintendent.

The detectives, she said, had plied her with whisky until she was on the border of delirium tremens. Mrs. Formby said she was taken to the office of the chief of detectives of Atlanta, where she was forced to admit in the presence of witnesses that she had made incriminating statements on the character of Leo M. Frank.

## SAYS POLICE HOUNDED HER.

To make her story short Mrs. Formby readily explained that she ran a rooming house in Atlanta some seventeen years ago. Later she said she found it more desirable to try to earn a livelihood by respectable occupation. She opened a boarding house for men, but the police of Atlanta were suspicious of her and they "hounded" her so openly that she was forced to move from one place to another. The last time she was forced to abandon a boarding house, she leased a four-room apartment at 400 Piedmont avenue.

The apartment house in which she lived was in a locality through which Leo M. Frank passed frequently on his way to work, or on his way to visit friends. Mrs. Formby said she knew Frank by sight, because a girl acquaintance once had pointed out the young superintendent as her "boss."

"I remember quite well the day that Mary Phagan was murdered," said Mrs. Formby. "It was on April 25, and I remember it because it was my birthday. I remember also quite well that day that Mr. Frank was arrested, and I remember, too, that it was only about a week afterward that Detectives Norris and Chewing called me up over the telephone and asked me if I had any booze. I told them I didn't have any, and they said they would bring some around to my house.

"They called around that evening and they brought the booze. We drank booze and played cards in the dining room. They mentioned the arrest of Mr. Frank only incidentally. They told me that some woman had called them up that day over the telephone and suggested to them I might be able to tell them something about Mr. Frank. I don't know who their informant was, as they wouldn't tell me.

## PLIED WOMAN WITH BOOZE

"For three weeks Norris and Chewing came to my apartment. They were there every night, and they always brought booze. We played cards as usual in the dining room, and something was said each time about the Frank case. I remember now that when they went away each time we had drunk up all the whisky.

"I can't say how many days they came to my apartment and talked about the Frank case before they asked me if Mr. Frank wasn't a degenerate.

"Of course, I said I didn't know; but at that time I was under the influence of liquor. When Norris and Chewing kept asking me if I didn't know that Mr. Frank was a degenerate, I finally lost the power to discriminate about what I was saying.

"They asked me the same question so many times that at last I gave them the answer they wanted me to give them. I said:

"Yes he is. It was right there I made a fatal mistake.

"I recall particularly this: They asked me if Frank didn't call me up over the telephone on the day of the

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# PLIED WITH WHISKY SHE LIED IN STORY

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murder and I told them that if the telephone bell had rung once that day it had rung twenty-five times.

"The detectives became insistent and asked me if I didn't remember Mr. Frank calling and I said, 'Yes.' Then they asked me if he wanted a room for himself and another person. I said, 'Yes,' and right here I want to state that I was particular, even though under the influence of liquor, to say 'that party' without mentioning Mr. Frank's name.

## WOMAN LEAVES ATLANTA.

"After that they suggested that Mr. Frank was possessed of a mania and asked me if I knew anything about that side of his character. To those questions I also replied in the affirmative.

"I went back to Atlanta in September, 1913. I was there only a day or so before I heard it whispered that I would be forced to swear in court that I had made that awful affidavit. I just said to myself then that I never would do it. I was still more determined not to stay there to swear to that affidavit following a meeting I had in the postoffice with one of the detectives. His name was Rosser.

"The detective Rosser told me plainly that he thought I had been handed a dirty deal by the other two men and he said he was sorry for me because I didn't deserve it.

"Meanwhile I was approached by two other detectives, named Vickery and Hamby, who tried to persuade me to open a college in Atlanta. They said they wanted me to go back to house-keeping, because I had been a 'good scout,' and they promised that they would stand by me to the end in the future. I know now that they only wanted me to place myself again under their protection. Then they would have a lever with which to keep my mouth shut, in the event of investigation of the conduct of police in the Frank case. It had been rumored in Atlanta that I could tell a good many things about the police."

## Frank Rehearing Refused.

In their desperate fight for the life of Leo Frank, Luther Rosser and Rube Arnold will next rely upon a motion extraordinary to be made before the superior court for a new trial on grounds of newly discovered evidence.

This move has been in the air for some time, but it was made definitely known Wednesday, when the supreme court, after twenty-four hours' deliberation, refused the plea of the defense for a rehearing before that tribunal.

The principal grounds to be set forth in the new trial request will be the disclosure of Dr. Roy Harris that he was not positive, one way or the other, that the hair found upon the lathe was Mary Phagan's. That and Albert McKnight's repudiation of his testimony at the original trial will be presented.

Attorneys Arnold and Rosser went into conference Wednesday over the prospective motion extraordinary. Neither, however, would state definitely when the motion would be filed with Judge Ben Hill, now presiding over the superior court.

The supreme court, in denying Frank a rehearing, handed down this ruling:

"Frank v. State.

"On motion for rehearing.

"The motion for a new trial contained 103 grounds. To have discussed each of them separately would have unduly prolonged an opinion already necessarily of considerable length. So, likewise, to deal with each of the grounds of the application for a rehearing in detail would serve no useful purpose. Suffice it to say that the matter set out in the motion for a rehearing was not overlooked in making the decision, but was carefully considered and passed upon, though all of them were not discussed at length.

While the difference of opinion among the members of the court, as to certain questions, which appears from the

opinion, still exists, the court is unani-  
mous in overruling the application for  
a rehearing.

"Motion overruled."

A new development in the Jim Con-  
ley trial arose Wednesday when Wil-  
liam Smith, the negro accomplice's at-  
torney, made application for a new  
trial under the contention that the ver-  
dict of guilty was contrary to law, and  
to the principles of equity and justice.  
The motion was filed late in the aft-

ernoon, and a hearing will probably be  
given at an early date.