

ATLANTA STIRRED BY MRS. FORMBY'S STORY

Police Profess to Disbelieve That She Talked Here About the Frank Case.

EVEN SAY SHE'S ELSEWHERE

Prisoner Compares His Case with Becker's to Show His Case Demands Retrial More.

Special to The New York Times.

ATLANTA, Ga., Feb. 26.—The statement which Mrs. Nina Formby gave to THE NEW YORK TIMES yesterday, saying she had been forced to make a false affidavit against Leo M. Frank, the man convicted of the murder of Mary Phagan, has proved a puzzle to the Atlanta police.

Chief of Detectives Langford goes so far as to say that Mrs. Formby never gave out the confession attributed to her in New York.

"The idea that Mrs. Formby is the author of statements credited to her is absurd," said Langford. "While Mrs. Formby was in New York for some time she has not been there for the past twenty-five days. She is in either Rome, Ga., or Chattanooga, Tenn."

"Now, Harry Latham is the person who gave out those statements in New York, and he did it partly in revenge upon the Detective Department, at whose hands he has been treated in a manner none too pleasing to him. I am prepared to prove that the statements attributed to Mrs. Formby are all lies, and that the affidavit from her was secured in no such manner as is related."

The police also asserted to-day that the affidavit made by Mrs. Formby had little or no bearing on the case of Frank. The affidavit was not used at Frank's trial. So far as the legal record goes, Mrs. Formby does not figure in the case.

The action of the Appellate Court of New York in granting a new trial to Becker is taken by Frank as pointing a moral in his own case.

"In granting a new trial to Becker the New York court asserts certain inalienable rights that should be enjoyed by one who is a defendant at the bar of justice, and are positive requisites to a court of justice," said Frank to-day.

"Taking into consideration the applause in and out of the courtroom, the hisses and jeers in the Judge's and jury's presence, the spirit of passionate tension pervading the courtroom, all of which obtained at my trial, can any fair-minded person declare that I had a fair trial and a square deal?"

"In my case the presumption of innocence in my favor was denied me. Instead of the rule of the presumption of innocence, they imposed upon me the task of proving myself innocent. Under the law no defendant is constrained to do this. More than this, I had not only to defend myself and show my innocence of the charge of murder, but the atmosphere of the issue was clouded and I was ambushed by being called upon to defend myself against innumerable other false accusations and insinuations unspeakable. And all of this contrary to the law of Georgia and the basic laws governing humane justice."

"We not alone demolished the structure of the State's case in the murder charge, but also if human evidence is worth anything at all, we proved my innocence of that charge. But, in addition, the prosecution rained insinuations and accusations on my head, charging me with misdeeds that I never knew were in the realm of human experience. And all of these insinuations without an iota of proof, except a negro's testimony, can any one gainsay that the jury found the verdict, not on the proof of guilt of murder, but because of the unfair conditions and insinuations at my trial?"

"What evidence could be more dubious than that of Conley, which was unsupported by a single piece of real or physical evidence. Note his four statements preceding the trial, three of them under oath, and his fifth statement, on the stand, giving the others the lie."

"More than that, it is manufactured evidence and every word false. When Conley said something that did not fit, the detectives told him it would not do and that he had to tell a better story. I know that the people of Atlanta will not stand for this injustice, and that the truth will prevail."

MRS. FORMBY HAS PROOF.

Shows Letters and Papers to Establish Her Identity.

Mrs. Nina Formby, who confessed through THE TIMES that she had made a false affidavit against Leo M. Frank convicted of the murder of Mary Phagan in Atlanta, Ga., and later said that she was going to "stand by" her retraction of the incriminating statements against Frank, laughed at the incredulity shown by the Atlanta police in regard to her statement.

When Mrs. Formby retracted her affidavit against Frank in her first interview with a reporter for THE TIMES, she was informed by the reporter that her confession would not be published unless she was able to identify herself as the same Mrs. Nina Formby who had signed the affidavit for the Atlanta detectives.

She readily consented to furnish all the means of identification in her possession, and quickly ran through the drawers of the bureau in her room and pulled out a package of letters. One was postmarked Rome, Ga., and dated Feb. 21, while another came from Atlanta, Ga., and was postmarked with a February date.

Mrs. Formby then opened one of the letters, which was addressed to her as "Dear Nina." The two letters were written in different hands and in different ink and stationery. Apparently they were not written by the same person, but by two different individuals who knew her address in New York. Mrs. Formby further identified herself by giving a description of the City of Atlanta and of Birmingham, Ala., a neighboring city, where her interviewer formerly resided.

When Mrs. Formby was seen again yesterday by a TIMES reporter she was willing for the reporter to send a description of her to the Atlanta detectives, and she also gave a more detailed account of herself during the seventeen years that she lived in Atlanta.

Mrs. Formby is about 40 years old. She is five feet seven inches tall, weighs 100 or 200 pounds, has wavy dark brown hair, blue eyes, and good teeth.

The statement made by Mrs. Formby to THE TIMES that she had been forced to give perjured testimony against Leo M. Frank was read yesterday by David Kahn, a retired wholesale clothing merchant of Cincinnati, Tulsa, Okla., and New York. Mr. Kahn's travels often had taken him to Atlanta while Frank was on trial there, and he followed the case and became convinced of Frank's innocence.

Mr. Kahn called up THE TIMES yesterday and said he was willing to defray the expenses of Mrs. Formby to Atlanta and while she was there if she would consent to go back and tell of the influences that had been used to perjure her earlier testimony as to her knowledge of Frank.

Mrs. Formby repeated that detectives had forced her to lie by plying her with "moo", and added that she was very eager to go back to Atlanta and testify in court to that effect.

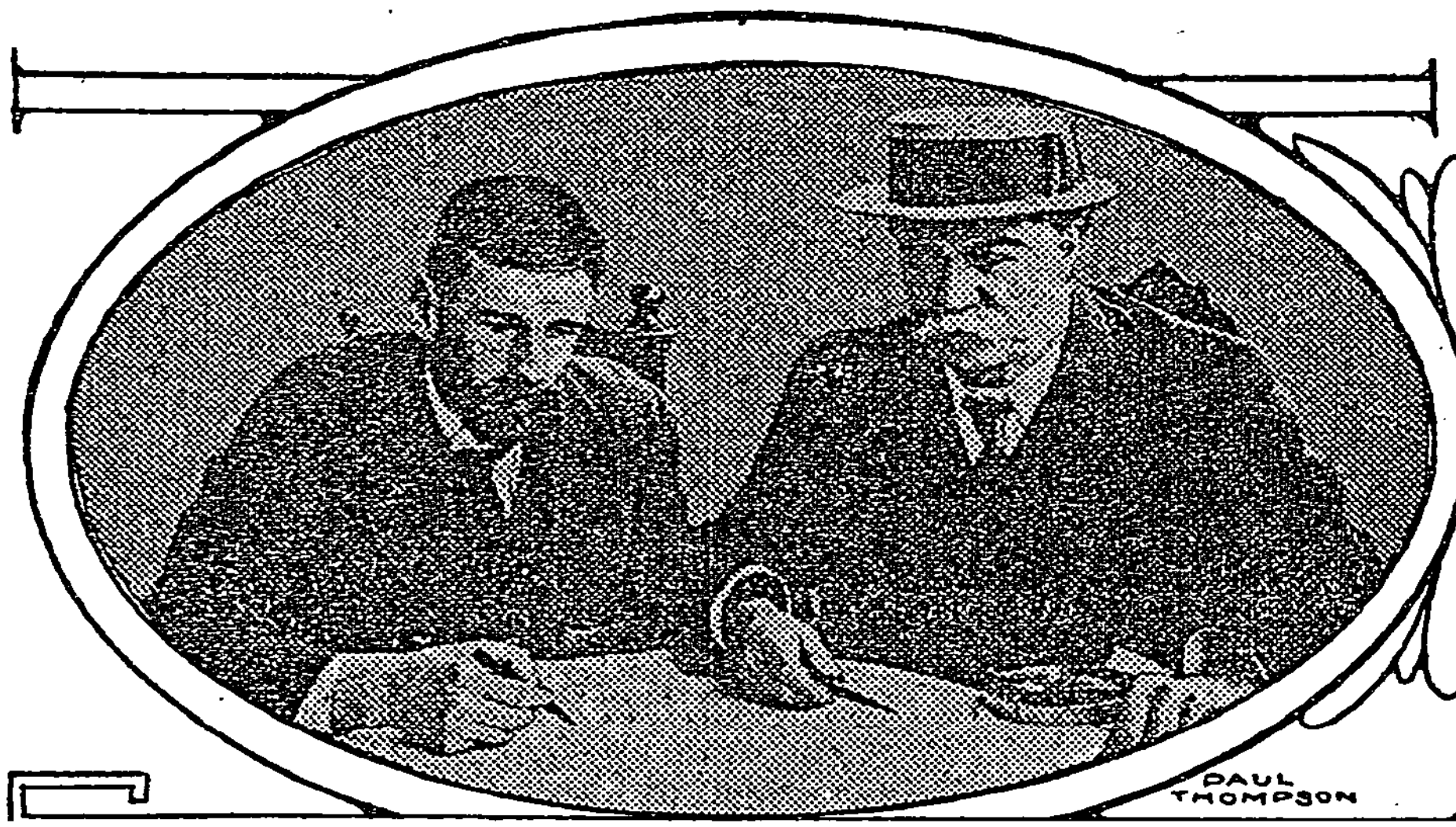
"Ever since I came here and Frank was convicted," she said, "I have repented of my false testimony, and wanted to rectify the wrong done. I don't want Frank to be put to death through perjured testimony, as he would be. My life in Atlanta unfitted me to take up any regular occupation here, and I had no money with which to make the trip South."

When told of Mr. Kahn's offer to pay for her trip to Atlanta and her expenses there, Mrs. Formby said she would be willing to go there and testify.

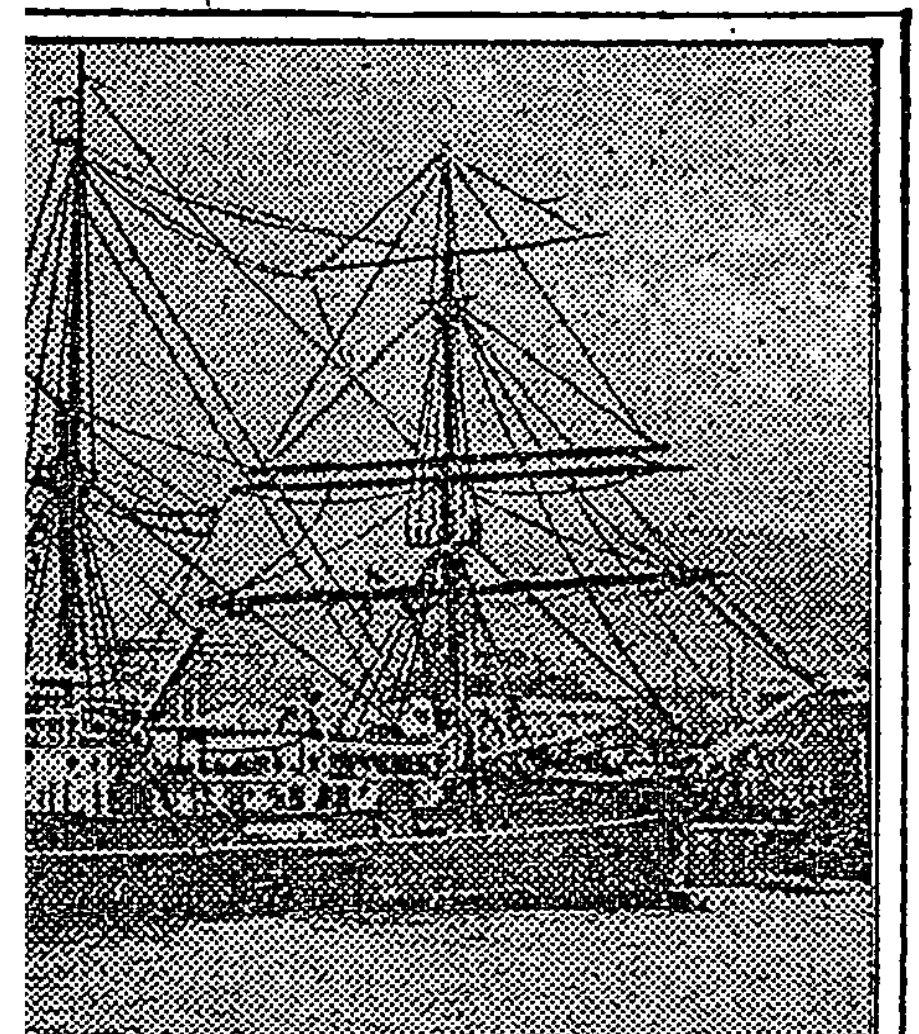
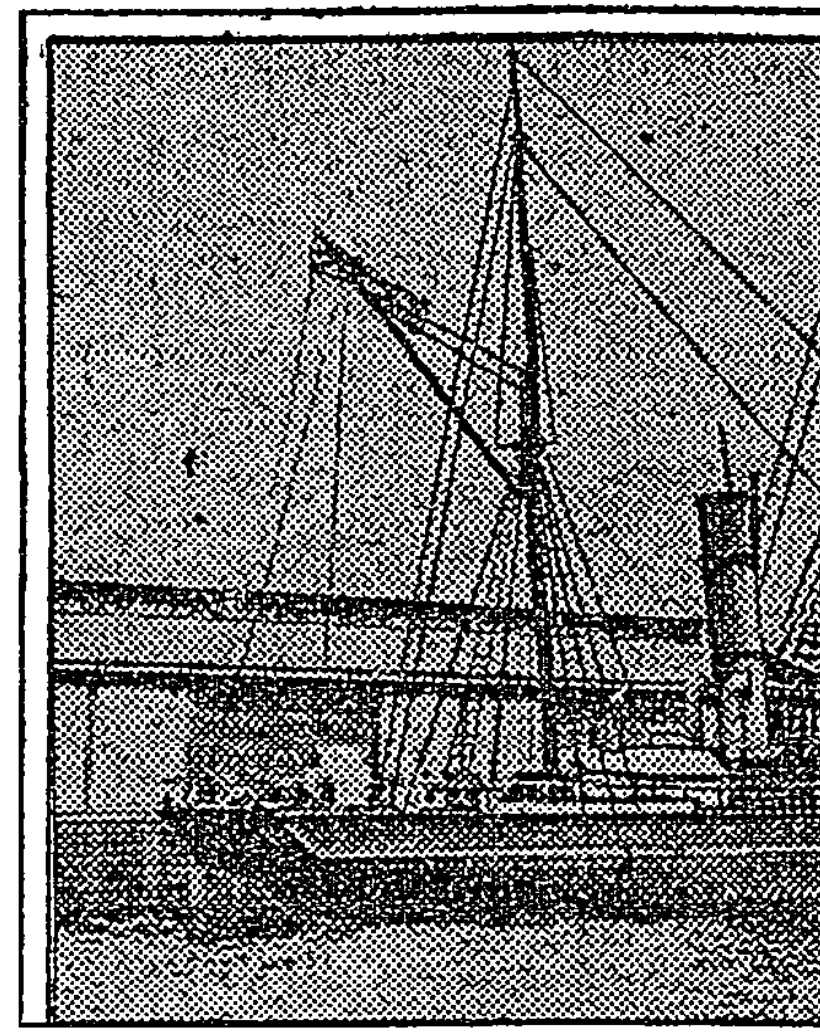
Passed Through Ten Miles of Ice.

The Captain of the United States revenue cutter Seneca, now on service with the International Ice Patrol, reported yesterday by wireless that the Fabre Canada had passed through ten miles of broken ice in latitude 45.00 and longitude 49.02 west. This is approximately 90 miles north of the westbound track of the Atlantic steamship lines and the lowest ice reported this season.

Dr. Mawson, the Antarctic Explorer, His Ship, and One of His Lost Officers.



Capt. John K. Davis (on the right) was commander of the Aurora. He was the first of the party to reach England after the ship returned.



The Aurora, Dr. Mawson's ship, photographed at Hobart prior to leaving on her second journey to the Antarctic for the relief of the two Mawson parties. PHOTO BY PAUL THOMPSON.



Dr. DOUGLAS MAWSON as he looked when the party started.



Lieut. B. E. S. Ninnis of the Royal Fusiliers, slipped down a crevasse while sleighing and was killed. PHOTO BY INTERNATIONAL NEWS SERVICE.