Helen Ferguson Tells Defense in Affidavit Of Advance by Conley

Little Factory Girl Who Was a Star Witness for State in Trial of Leo Frank Declares She Was Badly Frightened by Negro, Who Approached Her Menacingly While in a Drunken State on Saturday, April 19, at Same Spot Defense Says Mary Phagan Was Slain—Says She Dropped Boxes and Ran Upstairs to Escape Him.

DENIES REPORT OF REPUDIATION OF TESTIMONY SHE GAVE AT TRIAL

Describes Visit Made to Her by C. W. Burke, Investigator for Defense—Mother Did Not Know for Month She Had Given Affidavit. Statement Given the Defense by Mrs. Nina Formby, Denying One She Gave Detectives Before Trial of Prisoner, Published Today in The Constitution for the First Time.

Helen Ferguson, the little factory girl who was a star witness for the state in Leo Frank's trial, told a reporter for The Constitution last night that Jim Conley had made drunken advances upon her the Saturday previous to the murder on the same spot on the first floor at which counsel for the defense contends the black sweeper slew Mary Phagan.

"It was on Saturday, April 19," she told the reporter, "I went fro where I worked on the second floor to the first. I walked over to a c place kinder behind the stairway. I started to pick up a box. I c sight of the negro.

"He was drunk—seemingly as drunk as could be. I saw a whisky in a hip pocket. He was staggering. His eyes looked queer, and seem to know what he was doing. I was scared from the ver picked up the box and started to hurry away.

"He came over toward me menacingly. I drew back. He strode within arm's length of me. He said something. I was so frightened I didn remember all of his words. Some of them were about the boxes. The rest of them he sorter mumbled, just like a drunk man.

GIRL BADLY FRIGHTENED.

"I dropped the box as he pushed nearer me. I jumped to the stairs and ran up as fast as I could. I didn't look back—I was too frightened—to see whether or not he was following me. I don't think he was, though."

The Ferguson girl told The Constitution that she had told this story in an affidavit to which she swore for C. W. Burke, a private investigator, in the employ of Luther Z. Rosser, senior counsel for Frank's defense.

The affidavit was made, she stated, along about Christmas. Burke, she said, had come to the Clark woodenware plant, on Foundry street, where she was employed, and engaged her in conversation about the Frank case.

"Mr. Burke asked me," she said to the reporter, "if I wouldn't swear that I was mistaken about the time I went to Mr. Frank's office on Friday and asked for Mary Phagan's pay envelope. I told him no, as I had not been mistaken, and that I had told the truth. He said something or other about the detective department being a bunch of crooks. Then he said that I was largely responsible for Mr. Frank's conviction.

Told Burke About Conley.

"'I wouldn't for anything on earth be responsible for the hanging of an innocent man,' he told me. Then we got to talking about Jim Conley, and in the course of the convers told him about the day I had tered the negro on the first fl

Girl Accuses Jim Conley

HELEN FERGUSON.

where Frank's friends say Conley killed Mary."

The Ferguson girl was the witness who went upon the stand and swore that on the Friday previous to Mary Phagan's murder, she had gone to Leo Frank in the pencil factory offices and asked for Mary Phagan's pay envelope. She swore that Frank told her that he could not let her have Mary's money, as Mary herself was coming to get it the following day.

This was denied by the superintendent. Miss Ferguson, however, told nothing of her story of the encounter with Conley on the preceding Saturday. She is said to have not even told her narrative to Solicitor Dorsey. She said to the reporter that she had never attached much importance to the happening until her conversation with Burke.

Mrs. Nancy Ferguson, the girl's mother, said to the reporter that she did not know her daughter had made the affidavit until at least a month later. She was told then, she said, by J. W. Coleman, Mary Phagan's stepfather, who had managed to get hold of it somehow.

Afraid to Tell Mother.

Mrs. Ferguson questioned Helen, learning that the affidavit had been made. She said the girl had been afraid to inform her mother of the document. The mother, immediately upon learning of the affidavit, sought to communicate with Burke, but stated she was unable to do so.

Helen declared to the reporter that she had made no statement whatever pertaining to her testimony on the stand. She stated emphatically that it was the truth, and that she'd never repudiate it. She is now employed with the Clark Woodenware company. She lives with her parents at 617 Chestnut avenue.

At the time of the tragedy, the Ferguson girl was employed at the National pencil plant. She lived in the neighborhood with Mary Phagan, and they were intimate companions. It was she who first received the news of Mary's murder and was the first to convey it to the Coleman home.

On the Monday following the murder, Mrs. Ferguson would not permit her daughter to return to the pencil factory. From that day on she has never worked there. She had been connected with the plant for probably a year before the crime.

It was on the Ferguson girl's testimony that the prosecution based its theory that Leo Frank had planned to meet Mary Phagan on the tragedy day, and that, in accordance with his plans, had arranged that the factory building would be practically deserted. Helen testified that she and Mary had been in the habit of getting each other's pay envelopes whenever either of them would be unable to visit the factory on pay days.

Said Frank Refused.

She said that Frank had never refused to permit this. On the day prior the murder, however, she stated had gone to the pay window after to Frank's office, and, in line a number of other girls, had the superintendent for the envelope of her chum.

quoted Frank as having said: "I'll give it to you. Mary, her coming to get it tomorrow." me return trip to her Chestnut home Helen says she saw on an inbound trolley car. They ed greetings. Mary, she said, was ling. That was the last she saw the pretty victim alive. The two irls had been companions for years. Helen is about the same age the dead girl would have been if she had lived —15 or 16 years.

The fact that the Ferguson girl's affidavit has been in possession of the defense since Christmas, strongly indicates that Frank's counsel holds an amount of just such evidence, which will be contained in their motion extraordinary for a new trial. Another indication of this is the Formby affidavit, which was made in October of last year, less than three months following the Frank trial.

The Constitution is able to make public for the first time the sensational affidavit of Mrs. Nina Formby. It is printed herewith in whole. She bears up in the document her accusations of the detectives, Chewning, Norris, Vickery, Hamby and Bass Rosser.

A new figure is made public in her accusations by the publication of the affidavit. He is Bass Rosser, against whom the defense has been known for some time to have had charges. The Formby woman says Rosser told her that Chewning and Norris were crooks, and that they were forced to stoop to anything in order to hold their jobs with the detective bureau.

Formby Affidavit.

The affidavit is along the exact lines of her sensational interview printed in The Constitution Thursday morning, when she talked with a representative in New York, where she is now living. The affidavit, in its complete form, is as follows:

Mrs. Nina Formby's affidavit follows:

STATE OF NEW YORK, COUNTY OF NEW YORK—Nina Formby, being over twenty-one (21) years of age, deposes and, upon her oath, says: I reside in the city of Atlanta, state of Georgia.

Two officers of the detective department of the police force, whose names are Norris and Chewning, called at my home early one Sunday afternoon, the date I cannot be sure of, but it was after Leo M. Frank had been arrested in connection with the murder of Mary Phagan, all of which had been published in the newspapers, and was my only source of information that Leo M. Frank was arrested.

They then made the murder of Mary Phagan the subject of their conversation and asked me if it was not a fact that Leo M. Frank had been to my house with Mary Phagan. I told them as positive and as certain as I knew how that it was not a fact and that any such inference was a lie. They continued to ask suggestive questions along the same lines, wanted to know if it was not also a fact that Leo M. Frank was in the "habit" of coming to my house with young girls and if it was not a fact that he was a degenerate, to all of which insinuations I replied in most positive language that he had not ever been to my house with young girls and that I knew nothing about Leo M. Frank that would in any way suggest that he was a degenerate or any other sort of a man than a gentleman.

Told Them It Was False.

Chewning and Norris also wanted me to admit that Leo M. Frank had talked with me on the telephone on the evening of April 26 and wanted to engage a room in my apartment for "himself and a young girl." Replying to this I again told the detectives that it was absolutely false. They also wanted to know if I did not believe that Leo M. Frank had killed Mary Phagan. I told them, with some warmth in my language, that I did not believe so and that they must know it was a lie. I made absolutely no admissions to Detectives Norris and Chewning about or in connection with Leo M. Frank that could by any possible means require another call on me by them or any other members of the Atlanta police department in connection with the Mary Phagan murder in the future.

However, in about two hours after Chewning and Norris left my house Chief of Police Beavers and Chief of Detectives Lanford and Solicitor Dorsey called. At this call Lanford talked with me in my dining room; Chief Beavers and Solicitor Dorsey remaining in my parlor. Lanford put to me about the same inferences and suggestions that Chewning and Norris had made earlier in the day, wanted me to say and admit that Leo M. Frank had been to my house with Mary Phagan and that he was in the habit of coming to my house with other "young girls" and that he had telephoned to me several times in the evening of April 26 and wanted a room for himself and a young girl, on which day the murder of Mary Phagan is said to have occurred, and I refused to admit any of the suggestions or make any of the statements derogatory to Leo M. Frank.

He also asked me to go to the Tower and call on Leo M. Frank and that he would have his secretary, Mr. Febuary, go in behind me and when I should engage Leo M. Frank in conversation, the secretary would come near enough to overhear our conversation and to make stenographic notes. He even suggested an outline of the conversation I was to have with Leo M. Frank, saying that undoubtedly Frank would not at first recognize me or admit that he knew me, but that I should continue to talk with him and express my sympathy for him in his predicament, and that I should say in the conversation that when he talked with me over the telephone on April 26 that I did not expect to see him in the Tower afterwards. I refused absolutely to agree to this arrangement, and as there had been no telephone conversation between Mr. Leo M. Frank and me or any other single thing of truth in the suggestions and statements made by Chief Lanford as occurring between Leo M. Frank and myself over a telephone or otherwise.

Did Not Talk of Case.

Neither Chief Beavers nor Solicitor Dorsey talked to me about the Mary Phagan murder or made any suggestions whatever relating to that crime. Chief Lanford talked with me in the dining room for about twenty or twenty-five minutes. We then returned to the parlor, where Solicitor Dorsey and Chief Beavers were, and the party remained in the house about three-quarters of an hour, and I have never talked with either of these men since that visit. I will state however, that Detectives Chewning and Norris called at my house again later that Sunday night, after Lanford, Beavers and Dorsey had left, but I did not see them. My maid told me of their call.

On the following Monday afternoon Detectives Chewning and Norris again called at my house, and on this occasion brought a bottle of whisky, which they set out on the table between us and invited me to drink. They then went over practically the same story and questions that they did on the previous day, concerning Leo M. Frank and the Mary Phagan murder; tried to cajole me and argued that I should "stand in" with Chief Lanford and themselves, and boldly and plainly asked me to "stand for" the statements that they had suggested to me as to Leo M. Frank coming to my house with Mary Phagan and other young girls, and that he was a degenerate, all of which I again absolutely refused to do, and told them that they themselves knew that all such inferences and statements were lies. They went so far as to say that they could do me harm if I did not agree to stand for this story.

Chewning and Norris called at my house again the following Tuesday. Wednesday and Thursday in the afternoon of these days and on each occasion brought a bottle of whisky with them and went over the same ground and outlined practically, as I have stated above, continuing their juring of me to stand for the story and allegations outlined by them. On each and every occasion I refused, and told them if they knew anything that it was all false, and that I would not, under any circumstances, be made a party to it, and that I did not want to get my name in the newspapers or any notoriety in connection with the Mary Phagan matter. Norris and Chewning then said that if I would make a statement along the lines outlined by them that they would see that it did not get into the newspapers. On each of the calls that they made at my house they played cards. On three of the occasions, when Norris and Chewning were at my house, others were present and saw them there.

I deeply regret that I did not appreciate more keenly the effect that the publication of the story herewith had upon the public, standing as it has until today undenied by me, but I was annoyed and pestered by the police officers in this matter and failed to see or realize the injury that the circulation of these published lies attributed to me had upon the public and the welfare of Leo M. Frank, and now realizing them as I do, after all the excitement and public clamor has died away, I owe it to myself, to Mr. Frank and to the public to deny this false story and set myself right before them.

I would further state that since the publication of this story, on May 23, I have not talked with the police officers, Norris and Chewning, or Chief Lanford about this story, but on September 27 I met Detective Bass Rosser in the postoffice, in Atlanta, and with him talked about the story that had been published in the Atlanta papers, wherein my name had been used. Rosser knew that Chewning and Norris were the ones responsible for the stories published in which my name had been used, and he expressed his regret that I had been so unfairly treated by them, and added, by way of sort of explanation or justification, that Chewning was in a bad way in the police department and he had to stoop to most anything to hold his job.

(Signed) MRS. NINA FORMBY.

Subscribed and sworn to before me this 30th day of October, 1913.

(Signed) FRANZ SIEGELL JI.,
Notary Public, New York County.

New Evidence for Defense.

A new and decidedly interesting phase of the new evidence to be submitted by the defense in its plea for a new trial for Leo Frank is reported to be the disclosure of an examining medical expert—presumably Dr. H. F. Harris,—that bits of sawdust were discovered far up in the nose of the murdered girl.

This revelation, it is said, will be used as further substantiation of the defense theory that Conley is the murderer. Medical authorities agree that if sawdust was found in the deeper channels of the victim's nose it was carried there by the suction created by respiration.

The argument to be built around this reported piece of evidence, it is said, is that the only spot in which the slain girl's body was carried that had sawdust was the basement, in which the crime was discovered. The theory, therefore, is that the girl was alive at the time she was borne into the basement, and that as she lay face downward where her body had been deposited she breathed into her head the particles of sawdust into which her nose was sunken.

Defense Is Silent.

No affirmation of this latest rumor could be obtained from the camp of the defense. No one associated with the convicted man's defense had anything to say Saturday on any subject. Counsel is busy putting the new evidence already accumulated into shape and in readiness for the motion extraordinary for a new trial.

Members of the defense could give no definite idea Saturday of the date they would make application for retrial. It is expected, however, that the motion will be filed very soon after the remittitur is sent down from the supreme court and the date of execution is set by Judge Ben Hill. This is expected next Monday some time.

Barrett Seeks Reward.

"Christopher Columbus" Barrett, the mechanic who discovered the hair and blood spots on the lathe on the second floor of the pencil factory plant, will appear before a committee of council at the city hall Monday morning for a hearing of his claim to the city's reward for the arrest and conviction of Mary Phagan's slayer, some $2,000 in all.

His attorney, Lawton Nalley, stated to a reporter for The Constitution Saturday afternoon that the rumor was ungrounded that Barrett had repudiated his testimony given at the Frank trial. It was reported previously that the young mechanic had made an affidavit denying damaging portions of his statement on the stand.