

SMITH TO THWART SECRET ATTEMPT TO GRILL CONLEY

Attorney Makes Written Demand on Jail Authorities to Bar All Visitors From Cell of the Prisoner.

CONLEY WELL CARED FOR SAYS SHERIFF MANGUM

Trail in Mary Phagan Murder Case Very Plain, Asserts Burns—Promises an Early Solution of Mystery.

A move to thwart Detective William J. Burns in any probable secret effort to examine Jim Conley was made yesterday afternoon by William M. Smith, the negro's attorney, who has issued a written demand on the sheriff to keep persons from his client's cell.

This is the second order of its kind ever made in the negro's case. Judge L. S. Roan, at the close of the Frank trial, issued instructions to Sheriff C. W. Mangum to prohibit all visitors from the negro's presence.

Attorney Smith and attaches of the Tower are silent in regard to the order issued Wednesday. Smith will have nothing to say further than that he dictated it during the afternoon, immediately after which he appeared at the Tower. He says he intends to be present at any interview with his client.

Confers With Conley.

After conferring with Head Jailer John Suttles, the attorney entered Conley's cell, remaining with the negro for an hour or more. It was the first talk he has had with Conley in considerable while.

Sheriff Mangum, after Smith's visit to the Tower, stated to a reporter for The Constitution that any orders for Conley's protection further than the one he received from Judge Roan would be unnecessary.

"Conley," the sheriff declared, "is receiving the fullest care and protection. No one has seen him except his attorney and minister, except by order from Mr. Smith."

All Leave a Trail.

"Every criminal leaves some sort of trail," Burns said to newspaper reporters Wednesday morning. "I am close on the trail of the man who killed Mary Phagan, and I am convinced that it will not be long ere I can name him."

"The trail is very plain. Every murderer leaves a clew that betrays him plainly. As in this case, however, it is much better to wait until public temper and indignation has resumed its normal state, then begin on a calm and sane investigation of the facts, which I am now doing."

Then the detective had this to say of Solicitor Dorsey:

"Notwithstanding the various charges that have been made, I think Solicitor General Hugh Dorsey has been absolutely honest in this case, and that he never would have prosecuted a man he did not thoroughly believe to be guilty. But, however keen or smart a man may be, his vision is liable at times to be distorted.

"Theories in criminal cases should always be made to fit the facts, and not the facts be made to fit the theory. I have known cases where theories have been constructed out of undiluted air, and then facts molded to fit the theory."

Burns Confident.

Burns was confident that it was not too late to get at the bottom of the Phagan mystery. His progress has been even better than expectations, he declares. Throughout Wednesday he was busy examining various witnesses, one of whom was Newt Lee, the negro night watchman, who discovered the body of Mary Phagan.

He also paid a visit to the cell of Frank in the Tower, remaining, however, only a short while. Much of the day was spent in conference with members of the convicted superintendent's counsel, Herbert Haas and Leonard Haas and Luther Z. Rosser, Sr.

It was announced from the offices of Frank's attorneys Wednesday that the motion for a new trial on the ground of newly discovered evidence has been finished and is ready for presenta-

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tion to Judge Ben Hill. It will be filed, it is said, some time soon.

Will Ask Dorsey's Aid.

Whether Solicitor General Hugh M. Dorsey will offer to Detective William J. Burns his co-operation in his investigation is causing considerable speculation.

Indications are that Mr. Dorsey will take no part in Burns' probe. The solicitor, however, will have nothing to say one way or the other.

Burns stated to a Constitution reporter last night that he would request the co-operation of Dorsey and the solicitor's office at an early moment.

He plans to go over the entire case with Mr. Dorsey from beginning to present status. He expects the solicitor to furnish his theory and his conception of the most important factors in the chain of evidence which the state produced to convict Leo Frank.

"I do not expect to find antagonism in the solicitor general," said Burns. "I expect him to assist me with every resource at his command. From what I have heard of him, he is not the kind of man to reject the requests of a man who is trying to get at the truth of a mystery.

"Furthermore, I do not expect to encounter hostility in anyone with whom I might want to confer. The detectives at police headquarters, I am assured, will do all they can to help me."

An interesting phase of Burns' association with the Frank case has arisen in his attitude toward the Pinkerton National Detective agency, whose field superintendent, Harry Scott, was perhaps the most important factor in the investigation of the Phagan murder.

Believed Frank Guilty.

The Pinkertons were employed by Leo Frank. Harry Scott, on the witness stand, delivered testimony which was damaging to the convicted man's defense. He declared that he had worked upon the case purely with the view of finding the murderer. At one time a statement was issued from the Pinkerton office stating the belief that Frank was guilty.

Burns said last night that he would have nothing to do with the Pinkertons or with Harry Scott and that he did not care to be associated in any manner with a private detective agency. He declared, however, that he intended examining every other person who had any connection with the investigation of Mary Phagan or with the subsequent developments.

Burns also announced that Dan Lehon, superintendent of the southern division of the Burns detective forces, had been ordered to come to Atlanta to assist his chief on the Frank investigation.

In reference to a published story Wednesday to the effect that Burns, in a talk with newspapermen, indicated the belief that Frank was innocent, Burns said that he had not expressed any opinion and that he would not until time of his final report.

"Whether or not I have formed any opinion is another matter," he declared. "I would not discuss it if I had. I have never said to anyone that I believe Frank either guilty or innocent.