

DEFIES LYNCHING THREATS.

Smith Says He Will "Stand by His Guns" in Defense of Frank.

Special to The New York Times.

ATLANTA, Ga., Oct. 8.—Attorney W. M. Smith, who declares that he now believes his former client, Jim Conley, murdered Mary Phagan and that Leo M. Frank is innocent, issued a statement today in which he declared that threats of lynching had been made against him. He says in part:

"Many are rushing to me with the statement that 'all believe you have sold out.' While this belief is not universal, what a pitiable condition of a people's mind when there is small public faith in the honesty of human character."

I want it understood that though I am condemned by every citizen in this town, county, and State as a traitor, a scoundrel, and a man who has sold out, I intend to stand by my guns, figuratively and literally. I do not intend to be intimidated by the cowardly character assassins who will use a brute who has choked and murdered this sweet little Southern girl to damn and destroy me among these people.

"Why the people of this community are so blind that they are unwilling to listen to facts and through their courts murder an innocent man and make an idol of a fiend of hell, who, in the basement of that factory robbed this child of her life is a problem I am unable to understand.

"How our officials can close their minds and rest their hands upon the idea that there is no possibility for further light and study to point out error is a new theory to me—that human justice is infallible.

"I shall stay here and work to save Frank, although I have taken the precaution to send my wife and children elsewhere, so as not to endanger them. A former member of the Council has recommended the 'rope' for me. If it takes the 'rope' for me to wake up the people of Atlanta on this matter, why put the 'rope' to me. What Atlanta and Georgia need is for her intelligent, thinking, patriotic, and courageous citizens to come into the open for a square deal and a clean and fair handling of the powers of the law."

Mrs. Rea Frank, aged mother of Leo M. Frank, encouraged by the fight of Attorney Smith, has announced that she will come to Atlanta to aid the attorneys. Mrs. Frank's home is in Brooklyn, N. Y.

The Burns agents have renewed their activities in the investigation of the Frank case.

BINNEY TWICE ARRESTED.

Lawyer Fined \$2 for Speeding and \$10 for Abusing Policeman.

Harold Osgood Binney, a patent lawyer, with offices at 2 Rector Street and residences at the Holland House and King's Cottage, Newport, was twice arrested yesterday and twice fined. Binney was first arrested on Broadway about noon for driving an automobile toward Times Square at a rate of speed that looked excessive to Patrolman Sullivan of Traffic Squad C. His car, containing a dog, was left at the West Forty-seventh Street Station while the attorney went to the West Side Court, where Magistrate Breen fined him \$2.

After paying the fine, Binney returned to the station and demanded his property. Lieut. Frye told him that he would have to sign a receipt. Binney signed for the automobile, but refused to do so for the dog. He went away, but returned at 7 o'clock last night and again demanded his dog. He would not sign a receipt and became abusive, so Lieut. Clarkin, on the desk at that time, ordered his arrest.

Magistrate Corrigan, in the Night Court, fined Binney \$10, which he obtained by telephoning to the Union League Club. He was arrested frequently in the Winter of 1912-13, charged with speeding.

Low Committee Ends Its Work.

The committee appointed by Mayor Mitchel to help Americans who are stranded in the war zone has wound up its work, and the Chairman, Seth Low, has suggested to the Mayor that it submit a report on what was accomplished. The Mayor, in a letter to Mr. Low, approved the plan and thanked the members for the services they performed. He said the committee representatives had met more than eighty incoming ships bringing in between 70,000 and 80,000 passengers.

J. Borden Harriman Unconscious.

J. Borden Harriman, who is dying at his country home, Uplands, about a mile from Mount Kisco, was reported last night to be unconscious. Joseph Harriman left Newport early yesterday morning to go to the bedside of his brother. The Rev. Dr. Rainsford, formerly rector of St. George's Church, has also been called to the residence.