



**Oscar Slater's petition to the Secretary of State for Scotland  
(NAS ref. JC34/1/32/34/1-6)**

UNDER THE CRIMINAL APPEAL (SCOTLAND)  
ACT 1926, and THE CRIMINAL APPEAL  
(SCOTLAND) ACT 1927.

JC34/1/32/34/1

P E T I T I O N

of

OSCAR SLATER

To

THE RIGHT HONOURABLE THE SECRETARY OF  
STATE FOR SCOTLAND.

1928

JUSTICIARY OFFICE  
LODGED  
13 APR 1928

NS 1 as

Norman Macpherson & Dunlop, S.S.C.  
2a Hill Street,  
Edinburgh.

NAS ref. JC34/1/32/34/1

UNDER THE CRIMINAL APPEAL (SCOTLAND) ACT 1926, and the  
CRIMINAL APPEAL (SCOTLAND) ACT 1927.

SCOTTISH  
5 MAR 1928  
OFFICE

UNTO THE RIGHT HONOURABLE THE  
SECRETARY OF STATE FOR SCOTLAND

THE  
P E T I T I O N

OF  
OSCAR SLATER, presently residing  
at Mount Olive, Blackburn Road,  
Ayr.

HUMBLY SHEWETH:-

That on 3rd May 1909 and subsequent days your  
Petitioner was tried in the High Court of Justiciary at  
Edinburgh on an Indictment at the instance of The Right  
Honourable Alexander Ure, His Majesty's Advocate, in which  
the charge was that he did on 21st December 1908 in Marion  
Gilchrist's house at Number fifteen Queen's Terrace, West  
Princes Street, Glasgow, assault the said Marion Gilchrist  
and did beat her with a hammer or other blunt instrument  
and did fracture her skull and did murder her.

That your Petitioner having pleaded not guilty,  
the trial proceeded before a Jury presided over by the  
Honourable Lord Guthrie. On 6th May 1909 the Jury by a  
majority found your petitioner guilty as libelled, where-  
upon Lord Guthrie sentenced him to be executed in Glasgow  
prison on Thursday 27th May 1909.

That on 25th May 1909 His Majesty commanded that  
the execution of the sentence of death passed on your peti-  
tioner/

NAS ref. JC34/1/32/34/2

tioner be respited with a view to its commutation to penal servitude for life. Thereafter the petitioner was on 8th July 1909 removed to His Majesty's Prison at Peterhead, where he was put to penal servitude, and where he was detained until 14th November 1927, when he was liberated.

That on 8th April 1914 an Enquiry was ordered into certain information received by the Secretary for Scotland bearing on the case of your petitioner. The said Enquiry was held in Glasgow on the 23rd, 24th & 25th April 1914, by the Sheriff of Lenarkshire, and on 26th June 1914 the evidence taken at the said Enquiry was issued as a Parliamentary paper.

That by the Criminal Appeal (Scotland) Act 1927, and section 1 thereof, the power conferred on the Secretary of State by section 16 of the Criminal Appeal (Scotland) Act 1926, to refer a case, or any point arising therein, to the High Court of Justiciary shall be exercisable in the case of a person convicted on or before the 31st day of October 1926, in like manner as if he had been convicted after that date. Your petitioner desires to avail himself of the said Statutory provision.

That your Petitioner is innocent of the charge contained in the said Indictment, and his conviction thereof was most wrongous and unjust, and constituted a grave miscarriage of justice. Your petitioner is desirous that his case should be referred to the High Court of Justiciary to be heard and determined by the Court as in the case of an Appeal under the Criminal Appeal (Scotland) Act 1926, with a view to the said conviction and sentence against him/

him being quashed, and that on the following grounds,  
(and on other grounds to be proponed by your petitioner  
at the Hearing of said Appeal) videlicet:-

1. That the Verdict of the Jury is unreasonable and cannot be supported having regard to the evidence.
2. That incompetent evidence was admitted at the trial.
3. That the conduct of the prosecution was to the material prejudice of your petitioner. The Lord Advocate in addressing the Jury on behalf of the Crown attacked the character of your petitioner, who had in no respect put his character in issue. Such an attack constituted a grave departure from precedent, and was fatal to a fair trial of your petitioner.
4. That the Lord Advocate's speech to the Jury on behalf of the Crown contained material misstatements of fact.
5. That the presiding Judge at the trial in charging the Jury misdirected them in law, and that in other respects the Judge's charge was inaccurate, inadequate and misleading.
6. That the presiding Judge in said charge animadverted on the character of your petitioner to his prejudice.
7. That there were grave irregularities affecting the identification of your petitioner by material witnesses for the Crown.
8. That your petitioner is now in possession of information that would have affected substantially the credibility of a material witness for the Crown.
9. That witnesses to identification were subjected to undue interrogation by the Criminal Authorities in the preparation/

paration of the case for the Crown to the prejudice of your petitioner.

10. That there was evidence in the possession of the Police Authorities which was favourable to your petitioner, but was unknown to him or his legal advisers, and that said evidence was not communicated to them, but was withheld from their knowledge.

11. That the Crown presentation of the medical aspects of the case was partial, and did not disclose to the Jury responsible medical opinion consulted by the Crown and favourable to your petitioner.

THEREFORE your petitioner humbly prays that the whole case instituted by said Indictment may be referred to the High Court of Justiciary in terms of section 16 (a) of the Criminal Appeal (Scotland) Act 1926, to be heard and determined as in the case of an Appeal under the said Act with all the powers competent to the Court under the said Act, and for procedure therein as accords; and your petitioner will ever pray

*Proprio loco subscriptor*  
*J. Currie*

*J. Clyde*  
Counsel for the petitioner.

Dated this second day of March Nineteen hundred and twenty eight.

*Eddie Currie*

Edinburgh, 13<sup>th</sup> April 1928. The Lord Justice  
General of this date having considered a  
letter dated 13<sup>th</sup> March 1928 addressed on  
behalf of the Secretary of State for Scotland  
to the Clerk of Justiciary intimating a refer-  
ence by the Secretary of State of the case  
dealt with in the foregoing Petition by  
Oscar Slater therein named and designed  
to the High Court of Justiciary in accordance  
with the provisions of Section 16 Subsection (a)  
of the Criminal Appeal (Scotland) Act 1926  
as amended by the Criminal Appeal (Scotland)  
Act 1927 and the foregoing Petition, Held  
the said Petition as a Note of Appeal by  
the said Oscar Slater against his conviction  
and sentence, and Appointed him to lodge  
a supplementary note containing such  
further specification and particulars with  
regard to any of the several grounds of  
Appeal set forth in the <sup>said</sup> Petition; and such  
other grounds of appeal (if any) as he may  
desire to submit for the consideration  
of the High Court of Justiciary, and that  
on or before the nineteenth day of May next  
J. Johnston Christie  
Clerk of Justiciary.

Edinburgh, 22<sup>nd</sup> May 1928. The Lord  
Justice General Appointed a hearing to take  
place on the eighth day of June next for  
discussion of preliminary points arising  
out of and incidental to the Appeal  
J. Johnston Christie