

**Oscar Slater's petition to the
Secretary for Scotland (NRS,
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

JVS 1 as

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



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 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/



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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 Lanarkshire, 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/



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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 inpossession 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/



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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

Respectfully submitted

J. Currie

J. Clyde

Counsel for the petitioner.

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

Edie Currie



Edinburgh, 13th April 1928. The Lord Justice
General of this date having considered a
letter dated 13th 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 ^{said} 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. M. Houston Christie
Clerk of Justiciary.

Edinburgh, 22nd 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. M. Houston Christie