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# ‘Circumstances of Unexplained Savagery’: The Gilchrist Murder Case and Its Legacy, 1908–1927

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## Introduction

When the well-known Scottish lawyer and amateur criminologist William Roughead (1870–1952) was describing the murder of an elderly woman in her own home in Glasgow in the winter of 1908, he said the crime was conducted ‘in circumstances of unexplained savagery’.<sup>1</sup> Although Roughead was referring to the vicious methodology deployed by the perpetrator in this particular assault, the phrase he used described not only the homicidal episode that took place, but also the deplorable treatment of the individual accused of her murder *and* the scandalous persecution of the leading detective investigating the case. Indeed, the murder of Marion Gilchrist on the 21st of December 1908 fits seamlessly into this volume as it effectively ignited not one, but arguably *three* ‘miscarriages’ of justice.

First, there were the unquestionably problematic prosecution and subsequent conviction of Oscar Slater, the purported killer of Miss Gilchrist.<sup>2</sup> His trial in 1909 has become infamous in the annals of Scottish and indeed British legal history and is widely accepted as the quintessential example of a miscarriage of justice for a wide variety of reasons which will be examined below. Second, there were the blatant and relentless attempts by the Scottish authorities to stigmatize and discredit Detective-Lieutenant John Thomson Trench, who dared to suggest that the police investigation into the murder (to which he himself had been a crucial contributor) was fundamentally flawed. The staggering lengths that the Scottish authorities went to in order to silence one of their own, which will be exposed in the course of this chapter, reveal the extent to which Trench was indisputably a victim of ‘rough justice’ from within, just as Oscar Slater had been so from without. Then finally, and most importantly, if Oscar Slater did not murder Marion Gilchrist, as Detective-Lieutenant John Thomson Trench and indeed many others past and present have argued, then the savage, brutal and

<sup>1</sup> W. Roughead (1950 edition) (ed.) *Trial of Oscar Slater* (Edinburgh: William Hodge and Co.), p. xiv.

<sup>2</sup> Oscar Slater’s real name was Oscar Joseph Leschziner and he was born in Germany, to Jewish parents, on the 8th of January 1872. See *ibid.*, p. xviii.

seemingly gratuitous killer of this vulnerable, eighty-three-year-old woman, has never been identified, caught nor punished. Of the various legacies that emerged from this case, beyond its immediate historical context, this is surely the greatest ‘injustice’ of all. By bringing the threads of this complicated case together for the first time, through exhaustive and multi-faceted research, this chapter sheds new light on an infamous criminal trial to reveal not only how far the Scottish authorities were prepared to go to protect their supremacy in matters of law and order, but also how successful they were in these endeavours during the first third of the twentieth century.

### The murder of Marion Gilchrist

Miss Marion Gilchrist was a frugal, security-conscious, eighty-three-year-old spinster who lived alone in her apartment at 15 Queen’s Terrace in the centre of Glasgow. Whilst she was not inordinately wealthy, Miss Gilchrist did like to portray herself as someone with status who had a taste for the refined things in life, and as a result all the photographs that exist of her in life (such as the one below) depict her in lavish clothes adorned with fine jewellery of various sorts.<sup>3</sup>



**Figure 7.1** Photograph of Marion Gilchrist (undated).<sup>4</sup>

<sup>3</sup> It is clear from various sources that whilst she lived comfortably, the wealth of Miss Marion Gilchrist had been greatly exaggerated by the press – see, for instance, National Records of Scotland (NRS), Justiciary Court, Process Papers, Inventory of Possessions, JC34/1/32/9 valued at £1875 6s 3d (which equates to approximately £158k in today’s money) as well as the commentary provided in NRS, Justiciary Court, Precognition Papers, Memorandum Regarding the Case of the Death of Marion Gilchrist, AD21/17/7.

<sup>4</sup> Signet Library, Edinburgh (SL), William Roughead Collection, R+343.1.S1.15/v2528.

Marion Gilchrist was extremely careful with her possessions. She had a safe in the parlour of her home which stood upon a wooden stand which ‘... would probably take two men to lift.’<sup>5</sup> She had double locks secured on all the doors. She hid her jewellery amongst her clothes in her wardrobe and never in plain sight. Frequently she asked friends to look after her belongings so that nothing of value could be stolen from her directly.<sup>6</sup> Marion Gilchrist had taken precautions regarding her own personal safety too. She had arranged with the family who lived beneath her, that if she ever got into any difficulty whilst her maid was out or absent, she would knock on the floor to let them know that she needed their assistance. This arrangement became established after an incident in 1904 or 1905 when Miss Gilchrist came to their door late one night, saying that she needed protection from a male intruder in her house. Yet when her neighbour, Arthur Adams, went to investigate Miss Gilchrist’s apartment, he could find no one there and no evidence of anyone having been there. Gilchrist asked Adams if one of his sisters could stay in the upper flat overnight for her peace of mind, but the women were too frightened to do so, and it was then that Adams came upon the idea of the knocking personal alarm system. As he said to his neighbour, reassuringly ‘... just give three knocks on the floor and I’ll be up like a shot.’<sup>7</sup>

At around 7 pm, on the evening of the 21st of December 1908, Marion Gilchrist’s servant of a little more than three years, twenty-one-year-old Helen Lambie went out to buy a newspaper, as she normally did. Not long after this, Arthur Adams ‘... heard a noise from above, and then a very heavy fall, and three sharp knocks’, so he went to Miss Gilchrist’s flat to investigate, believing that she was in distress. Yet, when he went upstairs and rang Gilchrist’s doorbell, no-one answered. He testified later in court that he ‘... could hear a noise as if someone was chopping sticks’ but as he could not enter the apartment, he went back downstairs to his own flat. The strange noises from above continued however, to the extent that in his view ‘... the ceiling was like to crack’ and so his sister persuaded him to go back upstairs to the Gilchrist residence. On this subsequent occasion, Arthur Adams met Helen Lambie returning from her errand. She proceeded to unlock the door (using two keys) and after entering the apartment, she went towards the kitchen. A man then suddenly emerged from the bedroom and calmly left the apartment, walking past both Arthur Adams and Helen Lambie, before bolting down the stairs and fleeing the building entirely.<sup>8</sup> During a quick search of the premises in an attempt to locate Miss Gilchrist, Adams and Lambie discovered a body on the floor of the dining room which had been covered with a skin rug and so they called for the police.

Figure 7.2 is a photograph of that room at 15 Queen’s Terrace, Glasgow, in the immediate aftermath of the murder of Marion Gilchrist. One of the first individuals to

<sup>5</sup> NRS, Justiciary Court, Precognition Papers, Testimony of Helen Lambie, AD21/5.

<sup>6</sup> See, for instance, NRS, Justiciary Court, Precognition Papers, Testimony of Dr Robert Perry, AD21/5 who took possession of some of Miss Gilchrist’s jewellery for a while at her request in 1902. Dr Perry was Miss Gilchrist’s GP at that time and he made a detailed inventory of the items he stored for her in his home.

<sup>7</sup> NRS, Justiciary Court, Precognition Papers, Testimony of Arthur Montague Adams, AD21/5.

<sup>8</sup> *Ibid* and also NRS, Justiciary Court, Precognition Papers, Testimony of Helen Lambie, AD21/5.

arrive at the scene was William Douglas, superintendent of police based in the Western Office in Glasgow. He recounted: 'I went into the dining room and saw the body of Miss Gilchrist lying on the hearthrug and I noticed that her head had been badly battered.' As well as noticing various 'pools' and 'streams' of blood near the body of the victim, the officer also saw '... part of the deceased's brains on the rug between the body and the fender of the fireplace'. Douglas noted that he found no weapon with which he believed the crime could have been committed.<sup>9</sup> Professor John Glaister and Dr Hugh Galt then observed the body *in situ* after removing the skin rug which had more or less covered the victim's remains. They agreed with Superintendent Douglas that her head and face 'had been very much smashed', and indeed the esteemed forensic scientist and police surgeon Glaister exclaimed '... it was one of the most brutally smashed heads I have ever seen in my experience.'<sup>10</sup>



Figure 7.2 Crime Scene Photograph, Glasgow – 1908.<sup>11</sup>

<sup>9</sup> NRS, Justiciary Court, Precognition Papers, Testimony of William Douglas, Superintendent of Police, Western Office, Glasgow, AD21/5. Corroborated by NRS, Justiciary Court, Precognition Papers, Testimony of John Pyper, Detective Inspector, Western District of Glasgow Police, AD21/5.

<sup>10</sup> NRS, Justiciary Court, Precognition Papers, Testimony of John Glaister, Professor of Forensic Medicine, Glasgow University and Testimony of physician and surgeon Dr Hugh Galt, AD21/5.

<sup>11</sup> NRS, Justiciary Court, Precognition Papers, Crime Scene Photograph, AD21/5. Note that the white cushion in the picture, identified by the author's addition of a yellow (in the original) arrow, marks the spot where the victim's body lay.

According to Glaister and Galt's Crime Scene Medical Report:

There were wounds on the right side of the victim's cheek extending from the mouth, wounds of the right forehead, and of the right side of the head. There was a deep hole on the left side between the eye socket and the left ear. The left eyeball was entirely amissing, having either been driven into the cavity of the brain or having been gouged out. The right eye was partially torn out of its socket by the deep fractures of the right side of the brow. There was much blood on and among the hair of the head. On the carpet rug beneath the head on both sides was a considerable amount of clotted blood, and fluid blood had soaked into the substance of the rug. Between the head and the fender of the fireplace a piece of brain tissue weighing about three quarters of an ounce, as well as smaller pieces, and several pieces of bone covered with blood, were found.<sup>12</sup>

The medical men concluded from the blood splatter and associated evidence that the victim had been attacked where she had been found '... and that the injuries had been produced by very forcible application of some instrument'. It was noted too that the victim's gold plate of artificial upper teeth had been knocked out and was found near the fireplace.<sup>13</sup> Certainly, from all of this evidence, William Roughead's description of the assault on Miss Gilchrist as a 'savage' attack was wholly accurate. The body was formally identified as being Miss Marion Gilchrist and was subsequently removed to the mortuary of Glasgow Royal Infirmary for further investigation.<sup>14</sup>

After a detailed post-mortem examination of Miss Marion Gilchrist, the coroners' report testified to the extent of the horrific injuries that this elderly woman had endured. As is partly evident in Figure 7.3, the victim had received multiple lacerative wounds to her face, head and neck and innumerable fractures to the bones in her face, jaw and skull. An internal examination also revealed the victims' brain to be 'greatly torn and disorganised with several pieces amissing'.<sup>15</sup> Significantly, it was further discovered that in the chest of the victim, '... the breast-bone had been fractured completely through its entire thickness about its middle' and on the right side, '... her third, fourth, fifth and sixth ribs were all fractured, some multiple times, whilst on the left side, the fourth rib was broken'.<sup>16</sup> These findings suggested to Professor Glaister and Dr Galt that the killer may well have knelt on top of the victim's chest in order to initially subdue her and then once in this dominant position, they then chose to inflict the various wounds to her face and head.<sup>17</sup>

<sup>12</sup> NRS, Justiciary Court, Process Papers, Crime Scene Medical Report, JC34/1/32/4. See also *The Scotsman*, 5th May 1909.

<sup>13</sup> *Ibid.*

<sup>14</sup> Roughead, *Trial of Oscar Slater*, pp. 108–9.

<sup>15</sup> NRS, Justiciary Court, Process Papers, Coroners' Report, JC34/1/32/5.

<sup>16</sup> *Ibid.*

<sup>17</sup> *Ibid.*



**Figure 7.3** Mortuary Photograph of Miss Marion Gilchrist – 1908.<sup>18</sup>

After detailing the nature and extent of the injuries, the two medical men then tried to determine what kind of weapon could have been used to inflict them. This part of their investigation was complicated by the fact that no obvious murder weapon had been left behind by the killer and because so many of the wounds were described as being ‘irregularly formed’ or ‘spindle-shaped’ and followed no consistent pattern of impression.<sup>19</sup> Whilst Glaister and Galt could not be specific about the likely murder weapon used, and indeed offered no speculation, they concluded that Marion Gilchrist died from the extensive wounds and fractures she had received, together with the associated shock and bleeding that must have transpired.<sup>20</sup> In their view, all that could be said was that her injuries were consistent with those produced by ‘... forcible contact with a wide, heavy, blunt weapon, and that the violence applied was perpetrated with considerable force.’<sup>21</sup>

In the immediate aftermath of Marion Gilchrist’s murder, police attention focussed on trying to identify the man who was seen by Arthur Adams and Helen Lambie leaving Miss Gilchrist’s apartment. Neighbour Arthur Adams, for his part, said he only

<sup>18</sup> NRS, Justiciary Court, Precognition Papers, Mortuary Photograph of Miss Marion Gilchrist, AD21/18/13.

<sup>19</sup> NRS, Justiciary Court, Process Papers, Coroners’ Report, JC34/1/32/5.

<sup>20</sup> Ibid.

<sup>21</sup> Ibid.

got a ‘passing view’ of the man and told the authorities that in any case, he did not have his spectacles on at the time.<sup>22</sup> Helen Lambie’s initial, rather limited observation, was that whilst she only saw the side of the man’s face, she could discern that he was between twenty-five and thirty years of age, five feet eight or nine inches tall, of slim build with dark hair and clean shaven.<sup>23</sup> After a £200 reward for aiding the police with their investigation was advertised, officers were also approached by fifteen-year-old Mary Barrowman who told them that a man in a hurry had ‘knocked-up against her’ in West Princes Street not long after 7 pm on the night of the murder, very near to the victim’s residence. She confidently reported that she could offer a good description of the man, despite saying that he had a hat pulled down over his face ‘further down than is generally worn by a man.’<sup>24</sup>

Evidently, the police did not have a whole lot to go on, from these generic and unhelpful descriptions. However, when Superintendent Douglas entered the spare bedroom in the Gilchrist apartment in the wake of the murder, he discovered the contents of the room were in some disarray with boxes and papers strewn about the floor. When he quizzed Helen Lambie about whether anything was obviously awry, she reported that a diamond crescent brooch that usually lay in a toilet dish on her mistress’s dressing-table was now missing.<sup>25</sup> Now the authorities had an evident motive for the murder of Miss Gilchrist – jewellery theft. This notion became rapidly cemented in their minds just a few days later when Allan McLean, a cycle dealer in Glasgow contacted them after reading about the murder. He reported that a man whom he believed fitted the description of the would-be assailant had offered a pawn ticket for a diamond brooch to a friend of his.<sup>26</sup> When the police discovered that the man with the pawn ticket, Oscar Slater, not only had a criminal record and several aliases, but had also recently fled the city with a lady-friend (who wasn’t his wife<sup>27</sup>) bound first for Liverpool and then New York, they believed these circumstances beyond coincidence and that they had the iniquitous culprit firmly in their sights.<sup>28</sup>

<sup>22</sup> NRS, Justiciary Court, Precognition Papers, Testimony of Arthur Montague Adams, AD21/5.

<sup>23</sup> NRS, Justiciary Court, Precognition Papers, Testimony of Helen Lambie, AD21/5. See also Roughead, *Trial of Oscar Slater*, p. xv.

<sup>24</sup> NRS, Justiciary Court, Precognition Papers, Testimony of Mary Barrowman, AD21/5.

<sup>25</sup> NRS, Justiciary Court, Precognition Papers, Testimony of William Douglas, Superintendent of Police, Western Office, Glasgow, AD21/5.

<sup>26</sup> NRS, Justiciary Court, Precognition Papers, Testimony of Allan McLean, cycle dealer in Glasgow, AD21/5.

<sup>27</sup> Oscar Slater married Marie (or Mary) Curtis in Glasgow on the 12th of July 1901. Mrs Marie Slater was someone well known to the police and she had been indicted for theft on two occasions and was described as having ‘... lived an immoral life.’ She and Oscar Slater parted company, when he started an affair with Andrée Junio Antione, known ‘professionally’ as Madame Junio. By the time of Oscar Slater’s trial, in 1909, Mrs Slater had not seen her husband for two and a half years. It was Andrée Junio Antione, who was accompanying him to Liverpool and then New York. See Glasgow University Archives (GUA), Records of the Department of Forensic Medicine and Science (FM), Case Files 1906-1969 – Oscar Slater, 2B/5/5.

<sup>28</sup> Roughead, *Trial of Oscar Slater*, p. xvi. See also NRS, Justiciary Court, Precognition Papers, Testimony of Gordon Henderson, Master of the Motor Club, Glasgow, AD21/5 who had been approached by Oscar Slater on the eve of his departure from Glasgow desperately anxious for cash.



Oscar Slater was extradited from the United States to stand trial for the murder of Miss Marion Gilchrist at the High Court in Edinburgh. Upon his arrest, he was found to be in possession of a small tin-tack hammer and this, together with a select array of his clothing, was all shipped back to Scotland, forensically examined and taken into custody as evidence for the prosecution.<sup>29</sup> The judicial hearing began on the 3rd of May 1909 and Oscar Slater was charged that ‘he did assault the said Marion Gilchrist, and did beat her with a hammer or other blunt instrument and fracture her skull, and did murder her.’<sup>30</sup> After hearing evidence for four days, Mr Alexander Ure, the Lord Advocate, summed up the prosecution’s case, describing the murder of Miss Gilchrist as ‘... a dastardly outrage ... an act of savagery which happily finds few parallels in the annals of crime.’<sup>31</sup> Choosing to concentrate on the immoral character of Oscar Slater, rather than the evidence submitted, the lawyer argued that the accused ‘... was capable of this atrocious crime’ and was a man ‘... who had the whole knowledge necessary to enable him to commit the crime with success.’<sup>32</sup> With little counter-evidence offered by Mr A.L. McClure in defence, and a scathing description of the accused from the trial judge in his summation, it is unsurprising that the jury only took fifty-five minutes to convict Oscar Slater of all the charges against him, albeit only by a majority verdict.<sup>33</sup> The judge, Charles, Lord Guthrie (1849–1920) ordered Slater to be taken back to prison in Glasgow to remain imprisoned until the 27th of May 1909. He also ordered that on that same day, Oscar Slater was to be executed within the walls of the prison between eight and ten in the morning and subsequently buried there too.<sup>34</sup> Slater recalled that when he heard the final judgement in court,

I felt some force take me in its grip and hold me as a man intoxicated. I felt as though I had suddenly surrendered to the influence of a hypnotist. Truly I was for a few moments hypnotised. I had lost all my faculties. I was a man of stone.<sup>35</sup>

### The flawed prosecution of Oscar Slater

A close examination of the voluminous primary source documentation related to this case reveals significant shortcomings regarding the evidence which led to the arrest, prosecution and conviction of Oscar Slater. The first of these concerns the diamond crescent brooch, taken from Marion Gilchrist’s house and linked to Oscar Slater via the pawn ticket. This had been the breakthrough that the authorities were hoping for and it led them to Oscar Slater as the chief suspect in the Gilchrist murder. Subsequent police

<sup>29</sup> See Roughead, *Trial of Oscar Slater*, p. xxi.

<sup>30</sup> NRS, Justiciary Court, Process Papers, Indictment, JC34/1/32/2/2.

<sup>31</sup> NRS, Justiciary Court, Precognition Papers, Summation for the Prosecution, AD21/6.

<sup>32</sup> *Ibid.*

<sup>33</sup> NRS, Justiciary Court, Precognition Papers, Summation for the Defence, AD21/6; NRS, Justiciary Court, Precognition Papers, Judge’s Summation, AD21/6 and NRS, Justiciary Court, Process Papers, Verdict, JC9/7. See also *Edinburgh Evening News*, 6th May 1909 and *The Scotsman*, 7th May 1909.

<sup>34</sup> NRS, Justiciary Court, Process Papers, Sentence, JC9/7.

<sup>35</sup> *The Sunday Mail*, 20th November 1927.

investigations showed that he had been engaged in the jewellery trade in the past and was planning further ventures in the future.<sup>36</sup> However, there were two problems with this piece of evidence. First, as William Sorley, a jeweller in Glasgow later testified at Slater's trial, the Gilchrist brooch had just a single row of diamonds in it, whereas the one pawned by Oscar Slater contained three rows of gemstones.<sup>37</sup> Secondly, it is evident that Oscar Slater's pawn ticket was for a brooch that had been in pawn since the 18th of November 1908, several weeks before the Gilchrist murder.<sup>38</sup> Clearly the two brooches were different, and this cornerstone of the initial case against Oscar Slater was a patent red herring.

According to William Roughead, it seemed incontrovertible that the timing of Oscar Slater leaving Glasgow (in the wake of offering a pawn ticket for a diamond crescent brooch) and the timing of the Gilchrist murder were sufficient to raise suspicion amongst the authorities; after all, Slater was a man known to them and a convicted criminal.<sup>39</sup> However, just as with the missing brooch, the police appear to have been too quick to jump to conclusions and too short-sighted in their endeavours, instead of linking the evidence from a crime to a potential suspect as is the norm in thorough, multi-agency criminal investigations, they were all too willing to operate in reverse. It is clear that Oscar Slater's so-called flight from justice was nothing of the sort. Indeed, plenty of evidence points to Slater having made well-formed plans to leave Scotland for the United States at least three weeks ahead of his departure. He had made these arrangements publicly and had openly told several friends and various business acquaintances of his intentions.<sup>40</sup> None of his actions were covert or had been done in haste as had been portrayed by the authorities and by the prosecution. For instance, the Lord Advocate stated at the trial that Oscar Slater fled Glasgow on Christmas night, because his name and his description appeared in the newspapers.<sup>41</sup> This was scandalously inaccurate. The evening of the 25th of December was when Allan McLean first told police about the pawn ticket for the brooch and it wasn't until

<sup>36</sup> See, for instance, a business card found in Oscar Slater's possession which states: 'Oscar Slater, Dealer in Diamonds and Precious Stones. 33 Soho Square, Oxford Street, W.' found in NRS, Justiciary Court, Process Papers, JC34/1/32/11. That Slater had undertaken this kind of endeavour in the past was corroborated by the testimony provided at the trial by one of his oldest friends, see NRS, Justiciary Court, Precognition Papers, Testimony of Max Rattman, AD21/5 and also P. Hunt (1951) *Oscar Slater: The Great Suspect* (London: Carroll & Nicholson), p. 52. That Oscar Slater planned to return to the jewellery trade at some point in the future was corroborated by a letter from an American colleague of his, one D.R. Jacobs, dated the 28th of December 1908, see NRS Justiciary Court, Process Papers, JC34/1/32/11.

<sup>37</sup> NRS, Justiciary Court, Precognition Papers, Testimony of William Sorley, AD21/5.

<sup>38</sup> See Roughead, *Trial of Oscar Slater*, p. xvii.

<sup>39</sup> *Ibid.*, p. xxiii. See also the evidence at notes 26 and 28 above. In addition, a telegram was sent by the Glasgow Police to their London equivalents on the 26th December 1908, noting that in the wake of the Gilchrist murder, a convicted criminal called Oscar Slater was noted to have 'hurriedly' left Glasgow without good reason. He was thus, in their view, a man of interest to their inquiries. See GUA FM Case Files 1906–1969 – Oscar Slater, 2B/5/2/58.

<sup>40</sup> See a letter from Oscar Slater to the Post Office Savings Bank dated 20th November 1908 (using the alias Adolph Anderson) saying he would like to cash in his deposit book and investment stock as he was leaving for America – NRS, Justiciary Court, Process Papers, JC34/1/32/27. For other examples see Roughead, *Trial of Oscar Slater*, p. xxiii and p. xlix.

<sup>41</sup> Roughead, *Trial of Oscar Slater*, p. xxiv.

Oscar Slater was half way across the Atlantic on a boat to New York – several days after this – that his description was first made public!

The next problematic element of the case against Oscar Slater was the constant reference to him being a convicted criminal and a man of ill-repute. His ongoing bad behaviour and association with the criminal fraternity rendered him capable – in the minds of the authorities at least – of the murder of Marion Gilchrist. Certainly, it is clear, from a variety of different sources, that Oscar Slater, by his own admission, had lived ‘... an unsteady life.’<sup>42</sup> Slater adopted multiple aliases to facilitate his illicit lifestyle, and aside from the Gilchrist murder he had been arrested on at least three separate occasions. On the 10th of April 1896 Slater had been accused of the malicious wounding of fellow Jew Isaac Levy at the North London Sessions.<sup>43</sup> Slater was acquitted, but three years later, the Edinburgh Police Court did convict him of disorderly conduct (fighting when drunk) and he was sentenced to a fine of £1 or imprisonment for seven days.<sup>44</sup> Oscar Slater was described by the arresting officer in this case as a man who ‘... had the reputation of being a low class foreign bully.’<sup>45</sup> It is unclear whether the officer used the word ‘bully’ in this context to mean a tyrant or the more colloquial term for a pimp. Certainly Oscar Slater could fit either definition of this word. Whilst in Edinburgh, he was known to the authorities as the pimp of a prostitute called Annie Hansen<sup>46</sup> and as one Detective Officer from the City Police testified:

[Slater]... was a notorious gambler and was a drunken, dissolute fellow. He was of a vicious disposition and was constantly quarrelling and fighting with his associates over their gambling transactions. In these fights he used his feet more than his fists. The woman Hansen often had bruises about her face which she told me had been caused by Slater’s illusage.<sup>47</sup>

The final incident on Oscar Slater’s criminal record, prior to the murder of Miss Marion Gilchrist, occurred in 1900. Testimony from Sergeant James Stuart of Edinburgh’s City Police revealed that he was on duty in April of that year and decided to pay a visit to Oscar Slater as ‘... he had a bad reputation in the city’ and he wanted to keep an eye

<sup>42</sup> This is a quote taken from a petition that Oscar Slater sends to the Secretary of State for Scotland on the 12th of November 1910 asking for his release – see NRS, Justiciary Court, Criminal Case File 1909–1921: Oscar Slater, Peterhead Prison Records, HH16/110.

<sup>43</sup> See London Metropolitan Archives, Calendar of Prisoners and North London Sessions, ILS/B/45/001 and especially London Metropolitan Archives, Quarter and General Sessions held at North London (10th April 1890), LJ/SR/155.

<sup>44</sup> NRS, Justiciary Court, Papers relating to the Trial of Oscar Slater, AD21/19/16.

<sup>45</sup> NRS, Justiciary Court, Precognition Papers, Testimony of William Moodie, Detective Lieutenant in Edinburgh’s City Police, AD21/5. [Author’s addition in parenthesis.]

<sup>46</sup> For the arrests and convictions relation to Annie Hansen (such as 24th March 1900 for breach of the peace and the assault of a police officer) and 15th May 1900 (for loitering for the purposes of prostitution) see NRS, Justiciary Court, Papers relating to the Trial of Oscar Slater, AD21/19/16.

<sup>47</sup> NRS, Justiciary Court, Precognition Papers, Testimony of John Mowatt, Detective Officer in Edinburgh’s City Police, AD21/5. [Author’s addition in parenthesis.]

on him.<sup>48</sup> Stuart accordingly visited Slater and after making his enquiries, he was just about to leave, when Slater said to him: 'You bugger! I'll shoot you yet!' Whilst Sergeant Stuart confirmed that Oscar Slater was not armed at the time he made this statement, he was nonetheless arrested for threatening a police officer.<sup>49</sup> All this evidence gives some credence to the authorities' suspicion of his potential involvement in the demise of Marion Gilchrist, when set alongside observations made about his activities following her murder. However, we need to remember that Slater had never been embroiled or indeed convicted of any criminal activity more significant than a misdemeanour in the past. Thus, once the authorities became aware of the erroneous evidence regarding the brooch and Slater's apparent 'flight from justice', we might expect that they would overlook him as a suspect and seek another. Yet they seemed more determined than ever to ensure that Oscar Slater remained the chief (and only) suspect in this case. This was primarily through the promotion of evidence identifying Slater as being at or near the crime scene not only on the 21st of December 1908 – the night Marion Gilchrist was brutally slain in her own home – but on previous occasions too, as the killer seemingly planned the crime and his subsequent escape.

In order to extradite Oscar Slater from the United States to stand trial, the three key witnesses – Arthur Adams, Helen Lambie and Mary Barrowman – each had to positively identify him as the man they saw leaving the Gilchrist apartment. To ensure that this happened, the authorities did several things which were highly questionable and evidently prejudicial. First, they showed each witness a photograph of the suspect prior to the identity parade. Second, the sworn statements of each of the witnesses were taken multiple times to derive greater consistency between them.<sup>50</sup> Third, they allowed Lambie and Barrowman to share a cabin on the twelve-day sea voyage to New York without any form of supervision.<sup>51</sup> Perhaps most remarkably of all, prior to the hearing, when Slater was brought to court by two officials and Deputy US Marshal, Mr John W.M. Pinckley, Slater was made to walk past the three witnesses en route to the courtroom. Pinckley later recalled how Slater was handcuffed to him in plain sight and that when they walked past the assembled group, Mr Charles Fox, one of the UK government officials pointed to Slater and asked the three witnesses 'Is that the man?'<sup>52</sup> One might expect from these endeavours that the identification

<sup>48</sup> NRS, Justiciary Court, Precognition Papers, Testimony of James Stuart, Sergeant in Edinburgh's City Police, AD21/5.

<sup>49</sup> Ibid. See also G. Dilnot (1925) 'The Man with the Twisted Nose', *Detective Magazine*, April edition, pp. 1057–65 at p. 1057 found in NRS, Justiciary Court, Criminal Case File 1927–1976: Oscar Slater, HH16/112/58 and K. Baston (2012) 'Oscar Slater: Presumed Guilty', *Signet Magazine*, 2, pp. 13–16 at p. 13.

<sup>50</sup> All three witnesses testified to having been shown a photograph of Oscar Slater prior to the hearing. Helen Lambie said her declaration had been taken '... more [times] than I can tell you' and Mary Barrowman claimed she had been interviewed every day for two weeks to try to get her statement right – see NRS, Justiciary Court, Precognition Papers, Extradition Application Hearing, Testimony of Arthur Montague Adams, Testimony of Helen Lambie and Testimony of Mary Barrowman, AD21/5. See also Roughead, *Trial of Oscar Slater*, pp. xviii–xix and Hunt, *Oscar Slater*, p. 62.

<sup>51</sup> Roughead, *Trial of Oscar Slater*, p. xix.

<sup>52</sup> Ibid. See also Hunt, *Oscar Slater*, p. 46.

of Oscar Slater would have been relatively straightforward for Adams, Lambie and Barrowman, but this was not in fact the case.

Arthur Adams was asked whether there was anyone in court who he could identify as the man he saw leaving Miss Gilchrist's apartment. He replied, 'I couldn't say positively.' When pushed, all he would add was 'I say he resembles him in appearance.'<sup>53</sup> Mary Barrowman was asked the same question and gave a similar response, saying 'that man here is very like him' whilst pointing to Oscar Slater.<sup>54</sup> Helen Lambie, in her turn, was asked whether the man from the night of her mistress's murder was present in the courtroom. Cryptically, Lambie replied, 'One is very suspicious if anything.' The question to the witness was repeated and eventually she said, 'I couldn't tell his face; I never saw his face.' Helen Lambie said that it was the man's walk that was his most distinguishing feature. 'He didn't walk straight,' she said '... he was sort of shaking himself a little.' When asked whether she had seen any man walk in this fashion since arriving in America, she reluctantly (and after a great deal of persuasion) pointed to Oscar Slater.<sup>55</sup> What is all the more remarkable about Helen Lambie's testimony is that by the time she had crossed the Atlantic once more and came to testify against Oscar Slater at the High Court in Edinburgh, she had entirely changed her view on her ability to identify him as the suspect in this case. For on the second day of the murder trial, Lambie told the packed courtroom, 'I did see his face!' When challenged by the defence as to why she had not mentioned this before, with the passing of many months since her testimony in New York, Lambie defiantly exclaimed, 'I am saying it now!' The defence chose not to press her any further on this matter.<sup>56</sup>

By the time the trial at the High Court had been initiated against Oscar Slater, some twelve witnesses had come forward to testify that they had each seen an individual who appeared to be staking out the Gilchrist residence in the weeks before the murder. All twelve positively identified Oscar Slater from a line-up as being the man who came to be known as 'The Watcher.'<sup>57</sup> The cumulative effect of this testimony was significant to the prosecution's case. However, the evidence submitted was not without its problems. For one thing, prior to attending the line-up, all of the witnesses had been given a photograph of Oscar Slater as the suspect in custody. Then secondly, the actual identification parade itself was considered by Slater's defence team to be 'unsatisfactory' as the other eleven individuals standing in line were Scottish and none of them looked even vaguely like Oscar Slater.<sup>58</sup> This was considered 'inappropriate' when it was known

<sup>53</sup> NRS, Justiciary Court, Precognition Papers, Extradition Application Hearing, Testimony of Arthur Montague Adams, AD21/5.

<sup>54</sup> NRS, Justiciary Court, Precognition Papers, Extradition Application Hearing, Testimony of Mary Barrowman, AD21/5.

<sup>55</sup> NRS, Justiciary Court, Precognition Papers, Extradition Application Hearing, Testimony of Helen Lambie, AD21/5.

<sup>56</sup> NRS, Justiciary Court, Precognition Papers, Testimony of Helen Lambie, AD21/5.

<sup>57</sup> See, for instance, NRS, Justiciary Court, Precognition Papers, Testimony of Francis Brien, Constable in the Glasgow Police and Testimony of Mrs Margaret Dickson (or McHaffie) who lived opposite the victim's house at 16 West Princes Street, AD21/5. See also *The Scotsman*, 4th May 1909.

<sup>58</sup> NRS, Justiciary Court, Precognition Papers, Testimony of John Thomson Trench, Detective Officer, Central District of Glasgow Police, AD21/5. See also Roughead, *Trial of Oscar Slater*, pp. xxi–xxii.

that Slater was a German Jew and thus likely to be ‘... of foreign appearance.’ When the police were asked in court whether Oscar Slater should have been placed in a line-up with individuals who looked more or less like him, one officer under examination said, ‘It might be the fairest way, but it is not the practice in Glasgow.’<sup>59</sup>

It was clear in 1909 and remains clear now that the crux of the prosecution’s case against Oscar Slater related to his identification by so many witnesses. However, this evidence was flawed and unreliable, as it was based purely on vague personal impressions. As William Roughead later concluded, ‘The three crucial witnesses had but a fleeting glance at the man; and all witnesses before they identified Slater had seen his photograph and read his description, so there were present in that case every circumstances that increased the elements of uncertainty and liability to error.’<sup>60</sup>

One of the most controversial pieces of prosecution evidence in the trial of Oscar Slater related to the physical evidence which purportedly linked him to the crime and the scene of the Gilchrist murder. The first medical professional who saw the victim’s body *in situ* – Dr John Adams – was not called upon to testify in court. According to William Roughead, this was contrary to standard judicial procedure and indeed he remarked that it would be hard for anyone to ‘... recall a case of homicide in which the Crown had gone to the jury without producing the doctor who first saw the body after death.’<sup>61</sup> Perhaps the reason the prosecution dispensed with Dr Adams’s testimony was because he had significant doubts about the murder weapon said to have been used. Adams thought it wholly unlikely that Oscar Slater’s tin-tack hammer could have inflicted the wounds upon the victim shown above in Figure 7.3. It was too small, too lightweight and made different shaped impressions from those shown in the mortuary photograph. Rather, Dr Adams ‘... expressed a most decided opinion that the injuries were inflicted with the leg of a chair.’<sup>62</sup> Despite there being no conclusive evidence of blood on the hammer, or indeed on any of Slater’s confiscated clothing,<sup>63</sup> Professor John Glaister and Dr Hugh Galt, who did testify in court, were of the view that the hammer *could* have been the murder weapon if it had been used forty to sixty times on the victim, although they admitted that due to the nature and severity of the wounds, they would have expected a much ‘heavier’ weapon to have been utilized.<sup>64</sup> It seems

<sup>59</sup> Ibid.

<sup>60</sup> Roughead, *Trial of Oscar Slater*, p. 1.

<sup>61</sup> Ibid., p. xliii.

<sup>62</sup> Ibid. The suggestion that the leg of a chair could have been the murder weapon was later disputed by David Dick who was a witness for the Crown and was one of the few individuals to see the crime scene first hand. Dick wrote to William Roughead on the 23rd of February 1910 saying that Dr Adams was wrong in his judgement as there was no blood on the seat of the chair in question and as the weapon used had been sufficiently sharp enough to cut a piece out of the coal scuttle next to the fireplace. In his view, a chair leg could not have caused that specific kind of damage. For further detail, see SL, William Roughead Collection, R+343.1.S1.15/v2528/19.

<sup>63</sup> See the report compiled by Professor Harvey Littlejohn dated 11th March 1909 – NRS Justiciary Court, Process Papers, Forensic Report, JC34/1/32/6. An auger found in the back court at 15 Queen’s Terrace by Alexander Rankin was also examined as a potential murder weapon and ruled out; see NRS, Justiciary Court, Precognition Papers, Testimony of Alexander Rankin, Inspector in the Western District of Glasgow Police, AD21/5.

<sup>64</sup> Roughead, *Trial of Oscar Slater*, p. xxv.

inexplicable that the imprecise and inconclusive testimony provided by these two medical experts was not scrutinized further by Oscar Slater's defence team.

There were a few other examples where crucial testimony was offered but not highlighted, challenged or explored by the courtroom lawyers. For instance, Frederick Nichols, a hairdresser in Glasgow, testified that he shaved Oscar Slater (a regular client of his) on Christmas Day 1908 (four days after the murder) and Slater not only had a close-cut moustache about a quarter of an inch long, but he also had about two weeks growth of dark facial hair at that time.<sup>65</sup> Yet, all three of the key witnesses in this case – Arthur Adams, Helen Lambie and Mary Barrowman – had each testified that the man they saw leave Miss Gilchrist's residence was clean shaven. Why was this discrepancy not questioned? Likewise there was the question of Oscar Slater's alibi. Whilst it might seem reasonable not to give a great deal of credence to the testimony of Catherine Schmalz, Slater's domestic servant, or Andrée Junio Antione, his lover, who said he was at home eating his supper at the time of the murder,<sup>66</sup> there were multiple independent witnesses who could attest to having seen a 'calm' Oscar Slater at various points and in various places that evening.<sup>67</sup> Cumulatively, their testimony wholly undermined and dismantled that of several Crown witnesses who pointed to seeing Slater fleeing the scene of the crime.<sup>68</sup> Yet, these details were not explored, their significance was played down and some key pre-trial precognition evidence was ignored altogether by both the prosecution and the defence.<sup>69</sup> Furthermore, if we consider that the prosecution called sixty witnesses to the High Court to testify against Oscar Slater, whilst the defence called just fifteen who testified to his good character rather than offering evidence of his innocence, then we can start to establish why the majority of the jury reached the verdict they did.

Although initially there had been an unfavourable public attitude to Slater, in the immediate aftermath of the trial doubts started to emerge as to his guilt and the appropriateness of a capital sentence in the face of this uncertainty. As William Roughead describes, 'The atmosphere of excitement, rumour, and suspicion inseparable from a sensational murder case began to clear; and people realised that the weak links in the evidential chain by which the conviction had been secured were neither few nor far between.'<sup>70</sup> Almost immediately, a series of petitions, campaigns and appeals which challenged both the original verdict and the sentence were either formally

<sup>65</sup> NRS, Justiciary Court, Precognition Papers, Testimony of Frederick Nichols, AD21/5.

<sup>66</sup> NRS, Justiciary Court, Precognition Papers, Testimony of Catherine Schmalz and Testimony of Andrée Junio Antione, AD21/5.

<sup>67</sup> See, for instance, the testimony of Duncan MacBrayne available at NRS, Justiciary Court, Criminal Case File 1914–1948: Oscar Slater, HH16/111. See also *The Scotsman*, 6th May 1909.

<sup>68</sup> The evidence referred to at note 66 above was in complete opposition to testimony that the prosecution held to be central to their case namely NRS, Justiciary Court, Precognition Papers, Testimony of Annie Armour, AD21/5.

<sup>69</sup> See, for instance, the testimony of Agnes Brown, who was not called to court to give evidence at the trial but whose pre-trial precognition completely undermined the testimony of key witness Mary Barrowman with regards to how Oscar Slater was dressed when leaving the crime scene – see NRS, Justiciary Court, Criminal Case File 1914–1948: Oscar Slater, HH16/111.

<sup>70</sup> Roughead, *Trial of Oscar Slater*, p. xxvi.

lodged or publicly articulated.<sup>71</sup> The Secretary of State for Scotland, John Sinclair, Lord Pentland (1860–1925) asked the judge in the case to provide his views on the verdict the jury had reached. The judge, Lord Guthrie stated that in his view the evidence was legally sufficient to entitle the jury to convict the accused, considering the verdict to be correct. However, he thought that the sentence should be commuted given the divided opinion of the jury.<sup>72</sup> Similar views were expressed in letters supporting Slater's reprieve which were sent to the Secretary of State for Scotland from the Society for the Abolition of Capital Punishment and from ordinary members of the public such as one S. McIlwraith dated the 19th of May 1909 which plainly said, 'The man [Slater] MAY be guilty, but he certainly has not proved to be.'<sup>73</sup> One of Oscar Slater's lawyers, Ewing Spiers, also submitted a public petition for his client's reprieve '... due to the strength of public opinion regarding his innocence' and managed to accumulate over 20,000 signatories (many of whom were lawyers).<sup>74</sup> Cumulatively, all of these views seemed effective as on the 25th of May 1909, a royal warrant ordered that the capital sentence against Oscar Slater be commuted to penal servitude for life. This decree came just two days before Slater's execution was scheduled.<sup>75</sup>

The campaigns related to the Oscar Slater case did not conclude with this reprieve, however. Over the next nineteen years, there were various formal and informal attempts made to quash the original conviction using some, but not all of the evidential problems and procedural flaws. The first of these came in 1912 with the publication of Sir Arthur Conan Doyle's work *The Case of Oscar Slater* which the author sent, along with a letter, to the Secretary of State for Scotland. Conan Doyle (1859–1930) stated in his missive dated the 7th of September: 'There is a general uneasiness as to the facts of this man's trial and condemnation.'<sup>76</sup> In particular, he emphasized the falsehoods in the speech given in court by the Lord Advocate and how divided the jury had been in their decision. Just over three months later, Sir Edward Marshall Hall, MP for Liverpool East Toxteth (1858–1927) and an eminent English barrister, challenged the

<sup>71</sup> It is worth noting that there were also a series of evidently anti-Semitic submissions to the Secretary of State for Scotland arguing that Slater should not benefit from any sort of reprieve – see, for instance, NRS, Justiciary Court, Criminal Case File 1909: Oscar Slater, Letter to *The Scotsman*, 26th May 1909, HH16/109/2. For further discussion of the anti-Semitic elements of this case and the context in which it occurred see B. Braber (2003) 'The Trial of Oscar Slater (1909) and Anti-Jewish Prejudices in Edwardian Glasgow', *History*, 88, 290, pp. 262–79. For evidence of it in the newspapers in the aftermath of 'The Secret Inquiry', see, for instance, *The Perthshire Advertiser*, 1st April 1914, p. 4 and 18th April 1915, p. 6.

<sup>72</sup> NRS, Justiciary Court, Criminal Case File 1909: Oscar Slater, Judge Guthrie's Case Review, 13th May 1909, HH16/109.

<sup>73</sup> See NRS, Justiciary Court, Criminal Case File 1909: Oscar Slater, Petition for Clemency from the Society for the Abolition of Capital Punishment, 12th May 1909, HH16/109 and NRS, Justiciary Court, Criminal Case File 1909: Oscar Slater, Letter from S. McIlwraith to the Secretary of State for Scotland, 19th May 1909, HH16/109/04. [Author's addition in parenthesis.]

<sup>74</sup> NRS, Justiciary Court, Criminal Case File 1909: Oscar Slater, Petition for Clemency by Ewing Spiers, 19th May 1909, HH16/109/7.

<sup>75</sup> NRS, Justiciary Court, Criminal Case File 1909: Oscar Slater, Remission from Capital Sentence, 25th May 1909, HH16/109 and NRS, Justiciary Court, Minute Book, JC9/7.

<sup>76</sup> NRS, Justiciary Court, Criminal Case File 1909–1921: Oscar Slater, Letter from Sir Arthur Conan Doyle to the Secretary of State for Scotland, 7th September 1912, HH16/110. See also A. Conan Doyle (1912) *The Case of Oscar Slater* (New York: Hodder & Stoughton).



then Secretary of State for Scotland, Thomas McKinnon Wood (1855–1927) in the Houses of Parliament about aspects of the Slater case, using Conan Doyle's criticisms as his main reference point. Hall asked his colleague if he would state what steps he proposed to take to address the problematic issues related to the verdict. McKinnon Wood replied that he proposed to take none.<sup>77</sup>

By 1914, however, McKinnon Wood had changed his view and had appointed Mr Gardner Millar, Sheriff of Lanarkshire, as commissioner of an enquiry he ordered into the case. McKinnon Wood's volte-face had been prompted by David Cook, a solicitor from Glasgow, who in March of that year had presented the Secretary of State for Scotland serious allegations about how the initial investigation and subsequent prosecution of Oscar Slater had been handled. In particular, Cook focussed on the construction of the 'flight from justice' narrative, the problematic nature of the details of Mary Barrowman's testimony and more crucially perhaps, the suggestion that one of the three key witnesses had named another person (other than Slater) as the individual seen leaving the Gilchrist apartment on the night of the murder.<sup>78</sup> This latter proposition had come from Detective-Lieutenant John Thomson Trench, one of the lead detectives investigating the murder, and thus could not be ignored. The content and ramifications of this allegation will be dealt with in more detail in the subsequent section of this chapter.

The review of the Oscar Slater case began on the 23rd of April 1914 and quickly became known, unofficially at least, as 'The Secret Inquiry'.<sup>79</sup> This was for several reasons. First of all the proceedings were to be held in private at the County Buildings in Glasgow, with the only individuals present being the Commissioner, his clerk and the witnesses giving testimony. Secondly, the testimony provided was not to be given under oath and the Commissioner had the freedom to edit the statements made and to redact certain passages of evidence if he thought that was appropriate. Thirdly, Oscar Slater was to have no representation present at the enquiry and finally, it was decreed that the conduct of the trial was not to form any part of the re-examination of the case. Thus, as William Roughead sarcastically put it, '... compared with the restrictions by which this quest for truth was handicapped, the task set by Pharaoh to the captive Israelites was fair and reasonable.'<sup>80</sup> Given all this, there was no great surprise when David Cook received a letter from the Secretary of State for Scotland on the 16th of June 1914, saying he had '... fully and carefully considered the information obtained by the Sheriff in the course of an exhaustive investigation, and is satisfied that no case is established which would justify him in advising any interference with Slater's sentence.'<sup>81</sup>

<sup>77</sup> HC Deb 10th December 1912, Vol. 45, Col 244, from <https://hansard.parliament.uk> (accessed 11 July 2019).

<sup>78</sup> See Roughead, *Trial of Oscar Slater*, pp. xxix–xxx.

<sup>79</sup> NRS, Justiciary Court, Criminal Case File 1914–1948: Oscar Slater, Evidence heard at the Inquiry held by the Sheriff of Lanarkshire, 23rd–25th of April 1914, HH16/111.

<sup>80</sup> *Ibid.* Roughead's sarcasm was picked up by the press who produced cartoons emphasizing the 'secretive' nature of the enquiry – see SL, William Roughead Collection, R+343.1.S1.15/v2527, *The People's Journal*, 2nd May 1914.

<sup>81</sup> NRS, Justiciary Court, Criminal Case File 1909–1921: Oscar Slater, Letter from the Secretary of State for Scotland to Mr David Cook, 16th June 1914, HH16/110. The white paper from the enquiry was published on the 27th of June 1914 – see Roughead, *Trial of Oscar Slater*, p. xxiv.

The outbreak of the First World War likely put paid to any further efforts to solicit a reprieve for Oscar Slater until 1925 when Sir Arthur Conan Doyle wrote (at the direct behest of the prisoner) to the new Secretary of State for Scotland, Sir John Gilmour (1876–1940), asking for Slater to be released, given that had now served fifteen years of his sentence.<sup>82</sup> His pleas fell on deaf ears, but momentum was starting to build once more. A series of newspaper articles, editorial comments and also a book by William Park, all published between March 1926 and November 1927, sensationally offered new impetus to the campaign for Slater's release. On the 28th of March 1926, *Empire News* produced an article naming a new witness in the case: Minnie Hepburn. Mrs Hepburn had been near the crime scene on the night of the Gilchrist murder and had seen a man running from the residence. She had not come forward to offer testimony before now, because her husband hadn't wanted her to get involved, but she felt that she could no longer keep silent. Her description of the man she saw was diametrically opposed to that of Oscar Slater and to the testimony of the other key witnesses in the case.<sup>83</sup> In July of 1927, William Park's work *The Truth about Oscar Slater* was published. In this, the author claimed that Slater was the victim of an appalling miscarriage of justice and craved that pressure be put on the Secretary of State for Scotland to reopen the case.<sup>84</sup> Park's clarion call was given impetus by a further *Empire News* article published on the 23rd of October 1927 where Helen Lambie (now Helen Gillon) offered an entirely different version of her original statement to the police. Astonishingly, she now admitted that the man she saw leaving the apartment '... did not seem strange to me' as he '... was in the habit of visiting my mistress' and that she had told Detective-Lieutenant Trench who that individual was, saying he was a friend of Miss Gilchrist. She further revealed that she had been unable to pick Oscar Slater out of a line-up in New York, but had been told to 'keep trying' by the authorities until she got it right and so she chose to pick out the only man of foreign appearance in the room.<sup>85</sup>

(James) Ramsay MacDonald (1866–1937), leader of the Labour Party, had read these latest press revelations and wrote to the Secretary of State for Scotland, Sir John Gilmour twice in October of 1927, saying that he had been '... considerably disturbed' by what he had come across.<sup>86</sup> He further acknowledged the existence of '... some most unpleasant evidence' which involved the police and the real culprit. He stated that it was clear to him that 'The Scottish legal authorities and the police strove for

<sup>82</sup> Roughead, *Trial of Oscar Slater*, p. xxxv. For more on the lengthy campaign by Sir Arthur Conan Doyle to exonerate Oscar Slater, see M. Fox (2018) *Conan Doyle for the Defence: A Sensational Murder, the Quest for Justice and the World's Greatest Detective Writer* (London: Profile Books) and *Empire News*, 13th November 1927.

<sup>83</sup> NRS, Juxtiary Court, Criminal Case File 1914–1948: Oscar Slater, *Empire News*, 28th March 1926, HH16/111.

<sup>84</sup> W. Park (1927) *The Truth about Oscar Slater (With the Prisoner's Own Story)* (London: The Psychic Press), p. 5.

<sup>85</sup> NRS, Juxtiary Court, Criminal Case File 1914–1948: Oscar Slater, *Empire News*, 23rd October 1927, HH16/111. See also Hunt, *Oscar Slater*, p. 195.

<sup>86</sup> NRS, Juxtiary Court, Criminal Case File 1914–1948: Oscar Slater, Letter from Ramsay MacDonald to the Secretary of State for Scotland, 27th October 1927, HH16/111.



On the 10th of November the Secretary of State for Scotland dramatically ordered that Oscar Slater be released on licence. This was granted four days later.<sup>90</sup> By this point in time, Slater had served eighteen-and-a-half years of his life sentence in Peterhead Prison. Figure 7.4 shows the contrast in the appearance of Oscar Slater upon his arrest and then at his subsequent release. He later said in a serialization of his story published by *The Sunday Mail* on the 20th of November 1927 that his experience in prison had been ‘... a vale of grief, suffering and tribulation through which an unconsciously cruel and relentless fate compelled me to tread’. He had become ‘... a man destined to oblivion’. Indeed, Oscar Slater seemed genuinely bewildered by his release from prison after so many years. He said in the same newspaper article: ‘I am still dazed. I feel I want to sleep ever so much. I am a stranger to your world.’<sup>91</sup>

On the 15th of November 1927, Sir John Gilmour, Secretary of State for Scotland, announced that there would be another enquiry into the Oscar Slater case, and all questions on the matter should be remitted to the newly established Scottish Court of Appeal under the provisions of section 16 of the 1926 Criminal Appeal (Scotland) Act. To facilitate this, Parliament first had to pass legislation allowing the retrospective effect of the Act, rather than restricting it to individual sentences after the new legislation had come into force (from 31st October 1926).<sup>92</sup> After an extensive investigation, Slater’s legal team submitted a petition of appeal on 2nd March 1928, which was latterly referred to the High Court of Justiciary for its consideration. In the end eleven grounds for appeal were submitted, many of which related to the procedural malpractices, evidential weaknesses and judicial misdirections. The legal team made plain that they considered Hellen Gillon (née Lambie) to be integral to determining the truth of what happened on the night that Miss Marion Gilchrist was murdered, and they requested that she be located and impelled to testify.<sup>93</sup>

The appeal hearing began on 8th June 1928 before five appeal court judges. Despite the protestations of the defence team, the court ruled that the parameters of the appeal would be restricted and ‘... only new evidence could be allowed.’<sup>94</sup> Any information previously debated upon in the original trial could not now be considered, even if it was now erroneous, altered or corrected. The court also decreed that only evidence that had been formally submitted to the authorities could be considered. Anecdotal commentary, statements published by the press, reported casual conversations or amateur sleuthing around the case were not permissible as evidence. Furthermore, they determined that Oscar Slater himself would not be allowed to testify, as he had

<sup>90</sup> NRS, Justiciary Court, Criminal Case File 1927–1976: Oscar Slater, Licence for Oscar Slater’s Release, 14th November 1927, HH16/112. See also *Sunday Chronicle*, 18th November 1927.

<sup>91</sup> NRS, Justiciary Court, Prisoner Record 1909–1928: Oscar Slater, HH15/20/3.

<sup>92</sup> Roughead (1950 edition) (ed.) *Trial of Oscar Slater*, pp. xxxix–xl. See also *Daily News*, 18th November 1927.

<sup>93</sup> For the details submitted in the petition, see NRS, Justiciary Records, Trial of Oscar Slater (Murder), AD21/14/7/2 and AD21/14/7/3.

<sup>94</sup> NRS, Justiciary Court, Criminal Case File 1927–1976: Oscar Slater, Transcript of Appeal Hearing, June–July 1928, HH16/112.

not done so in the original trial.<sup>95</sup> Slater was so incensed by this decision, that on the 13th of June 1928, he withdrew his appeal in its entirety to the utter amazement and consternation of his legal team.<sup>96</sup> This decision was quickly reversed however, and the appeal recommenced in earnest on the 9th of July 1928 when it was announced by the court that Hellen Gillon (née Lambie) had steadfastly refused to give evidence at the hearing and that there was no legal or judicial mechanism to compel her to do so, despite the widely held belief that she was ‘... an untruthful and insolent witness’ who was ‘... false and unscrupulous.’<sup>97</sup>

Given the appeal court’s parameters, many of arguments posited in the original petition by Oscar Slater’s legal team had become effectively redundant. Consequently, there were essentially just three grounds for appeal now being considered:

- (1) Mis-statements of fact, including prejudicial suggestions of the gravest kind, made by the Lord Advocate in the course of the trial, and in particular his speech to the jury;
- (2) The withholding of evidence by the Crown favourable to the prisoner; and
- (3) Issues with the judge’s charge to the jury with reference to the attack on character, certain inadequacies in that charge as to questions of fact, and misdirections in law both positive and negative.<sup>98</sup>

As is clear, many of the fundamental flaws and scandalous errors associated with the prosecution of Oscar Slater were ignored, in favour of elucidation of the supposed biases articulated by both the Lord Advocate *and* Judge Guthrie during the closing stages of the 1909 trial. In particular, the defence team took exception to the judge’s oration when he said that Oscar Slater ‘... had maintained himself by the ruin of men and on the ruin of women, living for years past in a way that many blackguards would scorn to live.’<sup>99</sup> Then, as if that particular piece of scene setting was not sufficiently prejudicial, he had gone on to say:

A man of that kind has *not the presumption of innocence in his favour* which is a form in the case of every man, but a reality in the case of an ordinary man. Not only is every man presumed to be innocent, but the ordinary man, in a case of brutal ferocity like the present, has a strong presumption in his favour.<sup>100</sup>

In the view of the defence team, by directing the jury in this way the judge had ‘... confused the presumption of innocence with a presumption of good character which

<sup>95</sup> Ibid.

<sup>96</sup> Roughead, *Trial of Oscar Slater*, pp. xlv.

<sup>97</sup> NRS, Justiciary Court, Criminal Case File 1927–1976: Oscar Slater, Transcript of Appeal Hearing, June–July 1928, HH16/112.

<sup>98</sup> Ibid.

<sup>99</sup> Ibid. The Oxford English Dictionary defines a ‘blackguard’ as a man who behaves in a dishonourable or contemptible way – see <https://www.lexico.com/en> (accessed 11 July 2019).

<sup>100</sup> NRS, Justiciary Court, Criminal Case File 1927–1976: Oscar Slater, Transcript of Appeal Hearing, June–July 1928, HH16/112. [Author’s emphasis added.]

it is not. It is a presumption that a man is innocent *quoad* the particular crime with which he is charged.<sup>101</sup>

The decision of the appeal court was announced on the 20th of July 1928. The five judges made it plain that in hearing the appeal they were looking to answer four questions:

- (1) Whether the jury's verdict was unreasonable or unsupported by evidence;
- (2) Whether any new facts had been disclosed material to the issue;
- (3) Whether the appellant had suffered prejudice by non-disclosure of evidence known to the Crown; and
- (4) Whether the verdict was vitiated in respect of misdirection by the presiding judge.<sup>102</sup>

In their summation, the judges declared that they did not find that the new evidence presented to them during the hearing materially affected the decision made in this case, and consequently it was their belief that the original decision made by the jury remained reasonable and supported by the evidence. However, the judges did acknowledge that:

As the vital point of satisfactory proof of identity presented an unusually difficult narrow issue upon which the balance of judgement might be easily influenced, it was imperative that the jury should receive from the presiding judge the clearest and most unambiguous warning against being influenced by considerations at once so irrelevant and so prejudicial as the relations of the appellant with his female associates. But the directions of the judge not only did nothing to remove the erroneous impression which the opening passages of the speech for the Crown were likely to produce, but, on the contrary, they were calculated to confirm them. The direction that the appellant had not the benefit of ordinary presumption of innocence amounted, in the opinion of the Court, to a clear misdirection in law.<sup>103</sup>

The appeal thus succeeded on the fourth of the questions deliberated upon, and the conviction against Oscar Slater was quashed on a legal technicality, rather than on the strength of evidence presented regarding the weaknesses and inconsistencies of the witness testimonies provided. This decision also ignored the patent problems associated with the material evidence considered, and the fundamental prejudices and irregularities evident in the investigative procedures employed by the Glasgow Police Force. On the 4th of August 1927, Oscar Slater was awarded £6,000 compensation for his wrongful conviction by the Secretary of State for Scotland. Slater accepted the

<sup>101</sup> Ibid.

<sup>102</sup> NRS, Justiciary Court, Criminal Case File 1927–1976: Oscar Slater, Appeal Court Decision, 20th July 1928, HH16/112.

<sup>103</sup> Ibid.

payment without consulting his lawyers, only to discover that the costs of the appeal (approximately £1500) fell upon him, rather than the state. This meant, in effect, that Oscar Slater was awarded a paltry £250 in reparation for every year he was wrongly incarcerated.<sup>104</sup> Oscar Slater lived the remainder of his life peacefully, marrying a Scottish woman of German descent (Lina Wilhelmina Schad) in 1936 and the couple settled in Ayrshire where Slater repaired and sold antiques. He died at his home, of natural causes, on the 31st of January 1948 at the age of seventy-six.<sup>105</sup>

### The persecution of John Thomson Trench

Although Marion Gilchrist was the undoubted victim in this case, it could also be argued that alongside Oscar Slater, another individual suffered significantly as a result of the botched investigation, the flawed procedural approaches adopted in the prosecution of this case and the single-minded prejudices of the authorities involved: Detective-Lieutenant John Thomson Trench.



**Figure 7.5** Newspaper Photograph of Detective-Lieutenant John Thomson Trench, 1914.<sup>106</sup>

<sup>104</sup> NRS, Justiciary Court, Criminal Case File 1927–1976: Oscar Slater, Letter from the Secretary of State for Scotland to Oscar Slater, 4th August 1927, HH16/112.

<sup>105</sup> See *Glasgow Herald*, 2nd February 1948.

<sup>106</sup> SL, William Roughead Collection, R+343.1.S1.15/v2527, *Daily Record and Mail*, 2nd May 1914.

John Thomson Trench (seen in Figure 7.5) joined the City of Glasgow Police Force in May 1893 and had risen to the position of Detective-Lieutenant.<sup>107</sup> At the time of the Gilchrist murder in 1908, he was considered by his superiors to be a ‘... trustworthy, capable and efficient officer’ achieving not only their respect, but a series of regular promotions throughout his career.<sup>108</sup> By 1914, Trench had won the King’s Police Medal in 1914 for distinguished service and the gallantry he had displayed in bringing justice to bear on the most violent and hardened of Scottish criminals.<sup>109</sup> Evidently, Detective-Lieutenant Trench was held in high regard. However, just a few months later in that same year, 1914, things changed dramatically. As has been alluded to above, it was at this time that John Thomson Trench went to visit his friend, the solicitor David Cook, to seek his counsel. The detective told Cook that he remained adamant, even five years after the trial which convicted Oscar Slater, that on the night of the Gilchrist murder, the servant Helen Lambie had named another suspect (someone she knew) as the individual she had seen leaving the residence.<sup>110</sup> Trench was thus convinced of the innocence of Oscar Slater then languishing in Peterhead Prison, and although technically the case was officially closed, he felt he could not let things lie. David Cook agreed persuading him that it was in the interests of justice for him to reveal all that he knew and to do so publicly.<sup>111</sup>

Trench was well aware of the potential ramifications of the information he felt he needed to declare, especially as far as his own career and his loyalty to the police force were concerned, and so with the help of David Cook, he sought some ‘... guarantee of personal safety’ from the authorities.<sup>112</sup> The two men persuaded a third party, Dr Devon who was then one of the H.M. Prison Commissioners for Scotland to write to the Secretary of State for Scotland asking how best to proceed. Mr McKinnon Wood replied in February of 1914 asking Trench to provide a written statement of the evidence he knew and that on receipt of this, he as the Secretary of State would give ‘... the matter my best consideration.’<sup>113</sup> Trench took this correspondence to provide the personal assurances he needed and he accordingly submitted his evidence. Evidently, as it was to turn out, this was an error of judgement.

The evidence Trench submitted to ‘The Secret Inquiry’ in 1914 made clear that as far as he was concerned, the chief suspect in the case was someone whom he identified by the initials A.B., and that this individual was *not* Oscar Slater.<sup>114</sup> He testified that he was given instructions by Chief Superintendent John Ord to visit a Miss Margaret

<sup>107</sup> NRS, Justiciary Court, Criminal Case File 1914–1948: Oscar Slater, Evidence heard at the Inquiry held by the Sheriff of Lanarkshire, 23rd–25th of April 1914, HH16/111.

<sup>108</sup> See *ibid* for the personal history of John Thomson Trench as well as GUA FM Case Files 1906–1969 – Oscar Slater, Memo to the City of Glasgow Police by John Ord, 22nd April 1914, 2B/5/1.

<sup>109</sup> See Anonymous (1965) ‘A Policeman to Remember: I. Detective Lieutenant John Thomson Trench’, *Police Journal*, 38, pp. 356–9 at p. 356 and Roughead, *Trial of Oscar Slater*, pp. xxx.

<sup>110</sup> *Ibid*.

<sup>111</sup> *Ibid*.

<sup>112</sup> *Ibid.*, pp. xxx–xxxi.

<sup>113</sup> *Ibid*.

<sup>114</sup> NRS, Justiciary Court, Criminal Case File 1914–1948: Oscar Slater, Evidence heard at the Inquiry held by the Sheriff of Lanarkshire, 23rd–25th of April 1914, Testimony of Detective John Thomson Trench, HH16/111, p. 3.



Dawson Birrell (niece of the victim Marion Gilchrist) at 19 Blythswood Drive on the 23rd of December 1908 to ask her what Helen Lambie told her with regard to A.B. on the night of the murder, when she paid her a visit. He did as instructed, and the witness confirmed that Lambie had said to her ‘I think it was A.B. I am sure that it was A.B.’ Miss Birrell also told Trench that Detectives Pyper and Dornan had also visited her and told her that Lambie had named the same suspect to them.<sup>115</sup> Trench claimed that these two detectives, alongside Superintendent Douglas, had accordingly drove to the house of A.B. to make enquiries, but he did not know what had transpired with regard to their investigation.<sup>116</sup> Trench said he had handed Miss Birrell’s statement to Chief Superintendent Ord and was told that Superintendent Douglas had told his superior officer that he ‘... was convinced that A.B. had nothing to do with it.’<sup>117</sup>

Trench then testified that he went to see Helen Lambie on the 3rd of January 1909 to see if she could identify Oscar Slater from a sketch, which he considered was a ‘fair representation’ of him. She could not. She said plainly that she ‘... did not know him.’ Rather, she still maintained that A.B. was the culprit saying, ‘It’s gey [considerably] funny if it wasn’t him I saw ...’<sup>118</sup> Trench then explained to the Inquiry that he believed Helen Lambie dropped the notion that A.B. was the killer because no-one would support her contention. However, from his perspective, the notion that A.B. was the killer explained why the culprit was able to get access to the house when Lambie had left the premises locked when she went on her errand; he was a known and frequent visitor, and Miss Gilchrist had allowed him inside.<sup>119</sup>

Trench also submitted additional damning testimony which demonstrated the investigative failings in this case. He stated that the key prosecution witness Mary Barrowman had lied, either in her original statement to him or in her trial testimony, as the two were completely different.<sup>120</sup> Furthermore, he could provide evidence from Colin Maccallum, Barrowman’s employer, which proved that she did *not* deliver a package to an address on the night of the murder, an errand which she claimed situated her near the crime scene. Rather, she had made that delivery three days earlier and was instead, at a Band of Hope meeting, nowhere near the Queen’s Terrace area.<sup>121</sup> Trench advised the makeshift courtroom that Mr Maccallum had been told by Detective Pyper (in his presence) not to say anything about this evidence to anyone, ‘... as it would upset the whole case, and he might get into trouble about it.’<sup>122</sup> It was thus Detective-Lieutenant Trench’s view that Mary Barrowman’s testimony which had been so pivotal in the identification and subsequent conviction of Oscar Slater was ‘... a cock-and-bull story of a young girl who was somewhat late in getting home and who wished to take the edge off by a little sensationalism.’<sup>123</sup>

<sup>115</sup> Ibid.

<sup>116</sup> Ibid.

<sup>117</sup> Ibid.

<sup>118</sup> Ibid., p. 5. Author’s addition in parenthesis.

<sup>119</sup> Ibid.

<sup>120</sup> Ibid., p. 6.

<sup>121</sup> Ibid.

<sup>122</sup> Ibid., pp. 12–13.

<sup>123</sup> Ibid., p. 6.

Despite Trench's robust testimony, his professional credentials and his untarnished reputation, his evidence at 'The Secret Inquiry' unravelled and came to be seriously undermined by the testimony of various other individuals. Both Helen Lambie and Margaret Dawson Birrell flatly denied saying to Detective-Lieutenant Trench that A.B. had any involvement in the murder of Miss Gilchrist.<sup>124</sup> Indeed Helen Lambie was vehement about this, telling the Commissioner

there is absolutely not one word of truth in it ... the whole story is false ... I wish to make it quite clear that neither to the Procurator Fiscal, nor to the police, nor to anyone else, did I make the statement that A.B. was the man I saw leaving the house.<sup>125</sup>

Moreover, the denials of the two women were corroborated by a further witness, Charles Frederick Cowan, who was with Miss Birrell when Helen Lambie visited her house on the night of the murder.<sup>126</sup> Then, came the testimony of Detective Inspector Andrew Nisbet of the Central Division of the Glasgow Police, who worked with Detective-Lieutenant Trench on the investigation into the Gilchrist murder. Detective Inspector Nisbet explained that he and Trench visited Helen Lambie in January of 1909 *on their own initiative* and not as ordered by their superior officers. He further testified that he had no recollection of his colleague showing the witness a sketch of Oscar Slater and that '... there was not such a word said in my presence' about A.B. being the man she saw leaving the Gilchrist residence.<sup>127</sup> Finally, came the testimony of Mary Barrowman's employer, Colin Maccallum. Although he no longer had the order books from 1908, he testified that Mary Barrowman *had* delivered the package on the night of the murder and this statement was reinforced by corroboratory evidence submitted by the recipient of the package, James Howat. Mr Maccallum said he had never made any statement to Detective-Lieutenant Trench and that his evidence on this matter was thus '... absolutely false'.<sup>128</sup>

Logically, we might consider why John Thomson Trench went to such lengths to submit this evidence if it was at best unsubstantiated or at worst false. For the purposes of this particular chapter, it is more important to consider the aftermath of his testimony

<sup>124</sup> NRS, Justiciary Court, Criminal Case File 1914–1948: Oscar Slater, Evidence heard at the Inquiry held by the Sheriff of Lanarkshire, 23rd–25th of April 1914, Testimony of Margaret Dawson Birrell, HH16/111, pp. 14–15.

<sup>125</sup> NRS, Justiciary Court, Criminal Case File 1914–1948: Oscar Slater, Evidence heard at the Inquiry held by the Sheriff of Lanarkshire, 23rd–25th of April 1914, Testimony of Helen Lambie, HH16/111, pp. 15–16.

<sup>126</sup> NRS, Justiciary Court, Criminal Case File 1914–1948: Oscar Slater, Evidence heard at the Inquiry held by the Sheriff of Lanarkshire, 23rd–25th of April 1914, Testimony of Charles Frederick Cowan, HH16/111, p. 15.

<sup>127</sup> NRS, Justiciary Court, Criminal Case File 1914–1948: Oscar Slater, Evidence heard at the Inquiry held by the Sheriff of Lanarkshire, 23rd–25th of April 1914, Testimony of Detective Inspector Andrew Nisbet, HH16/111, pp. 16–17.

<sup>128</sup> NRS, Justiciary Court, Criminal Case File 1914–1948: Oscar Slater, Evidence heard at the Inquiry held by the Sheriff of Lanarkshire, 23rd–25th of April 1914, Testimony of Colin Maccallum and Testimony of James Howat, HH16/111, p. 18 and p. 19, respectively.

and the personal cost of his revelations. Detailed testimony was provided at ‘The Secret Inquiry’ by Trench’s superior officer, Chief Superintendent John Ord, about the ‘alleged report’ concerning Helen Lambie’s statement regarding her recognition of the suspect. In a memo dated the 22nd of April 1914 and reiterated again at the Inquiry, Ord said that the first time he heard anything about this claim was on the 29th of March 1914 and not before. This was after he had read a *Daily Record* article some five days before, containing information that only someone in the original investigation would have been privy to. He then became determined to discover what the source of the leak to the press had been. Initially, Ord had been told that the mole was an officer who had since left the force, but he wanted to confirm this, and so wrote a private note to Detective-Lieutenant Trench requesting a meeting.<sup>129</sup> This took place on the 29th of March 1914 and Ord charged Trench to investigate the source of the leak.

At this request, Trench tried to convince Ord that Helen Lambie ‘... *had* made a statement to Miss Birrell on the night of the murder to the effect that man she saw leaving Miss Gilchrist’s house was like Doctor Charteris.’<sup>130</sup> We can conclude from this revelation that presumably, Dr Francis James Charteris (a distant relative by marriage of the victim Marion Gilchrist) was the individual identified by the authorities as A.B. However, Chief Superintendent Ord corrected Trench and told him that this was ‘... altogether wrong’, and that it was the lawyer Mr Archibald Hamilton Charteris (brother of Dr Charteris) whose name had somehow got connected with the case, but that in any event, this information had not come from Miss Gilchrist’s servant.<sup>131</sup> Trench then reminded Ord that he had formerly provided him with all this evidence back in 1908/9 and that Ord had telephoned Superintendent Douglas to get his view on the matter, eventually reassuring him that there was no evidence linking any members of the Charteris family to the murder.<sup>132</sup>

Ord utterly disputed Trench’s recollections, saying he was making a mistake, and he was adamant that as far as he was concerned ‘... I never heard Doctor Charteris name mentioned in connection with the murder.’<sup>133</sup> Changing tack, Ord then reported to Trench that two officers from New Scotland Yard had been leaking information to the solicitor David Cook and the press. On hearing this Detective-Lieutenant Trench ‘... became very uneasy’ and exited their meeting.<sup>134</sup> Evidently John Ord was bemused and confused by this encounter. In any event, a few weeks later, on the 14th of April 1914, the Chief Superintendent attended a meeting in which John Thomson Trench was specifically named as the source of the leak. Taken by surprise,

<sup>129</sup> GUA FM Case Files 1906–1969 – Oscar Slater, Memo to the City of Glasgow Police by John Ord, 22nd April 1914, 2B/5/1. See also NRS, Justiciary Court, Criminal Case File 1914–1948: Oscar Slater, Evidence heard at the Inquiry held by the Sheriff of Lanarkshire, 23rd–25th of April 1914, Testimony of Chief Superintendent John Ord, HH16/111, pp. 31–2.

<sup>130</sup> NRS, Justiciary Court, Criminal Case File 1914–1948: Oscar Slater, Evidence heard at the Inquiry held by the Sheriff of Lanarkshire, 23rd–25th of April 1914, Testimony of Chief Superintendent John Ord, HH16/111, pp. 31–2.

<sup>131</sup> *Ibid.*

<sup>132</sup> *Ibid.*

<sup>133</sup> *Ibid.*

<sup>134</sup> *Ibid.*

initially Ord tried to defend his officer from the allegations being made, but the individuals present said that they had it on good authority that Detective-Lieutenant Trench was indeed the mole.<sup>135</sup> Ord challenged Trench about this later that night in a heated telephone conversation asking directly whether he had given David Cook any information relating to the Gilchrist case. Trench denied this vehemently.<sup>136</sup> However, in his testimony at ‘The Secret Inquiry’ Chief Superintendent Ord stated that it *was* Trench who supplied the information to external parties, explaining his officer’s actions by saying: ‘I know his weakness for notoriety.’<sup>137</sup> By structuring his testimony in this way, and in reaching this conclusion, Ord had skilfully moved the Inquiry and its Commissioner away from any meaningful consideration of this sensational new information and the potential of an alternative suspect to Oscar Slater. Thus rather than the Inquiry challenging the procedural aspects of the investigation of this case and the subsequent prosecution, its efforts had become diverted towards the discreditation, humiliation and persecution of the apparent quisling, Detective-Lieutenant Trench.

This initiative began almost instantaneously as at the Inquiry, Trench’s personal history was utilized to portray him as an individual with a chequered past, undermining contemporary notions of him as a gallant, dutiful officer. The Commissioner heard that Trench had been born into relative poverty at Lasswade, Midlothian, in January 1869 and had become familiar with the Scottish justice system when he was convicted of theft at the age of eleven, although dismissed with an admonition (reprimand).<sup>138</sup> He joined the Royal Highlanders (the ‘Black Watch’) in January 1886 when he was just seventeen (after lying to the enrolment officer, saying he was nineteen) but his service record was littered with reprimands for being ill-kempt, for being late, but most typically, for being drunk and creating a disturbance. He was regularly fined and confined to barracks for his bad behaviour.<sup>139</sup> Trench lost all his stripes and his merit badges, but none of these disciplinary measures restrained him as he then went absent without leave, much to the fury of his commanding officers. This escapade earned him a sentence of imprisonment at hard labour for twenty-one days with stoppages (presumably of pay and food).<sup>140</sup> Despite this incarceration, Trench’s bad behaviour continued and he was eventually transferred to the army reserve early in 1893, shortly before joining Glasgow’s police force just a few months later. Even there, the Inquiry were told, although his habitual waywardness dissipated to a large extent, it did not disappear entirely as he was fined 5s. on the 24th of September 1896 for disorderly conduct.<sup>141</sup> These insalubrious details, together with the various rebuttals of his

<sup>135</sup> Ibid.

<sup>136</sup> Ibid.

<sup>137</sup> Ibid.

<sup>138</sup> NRS, Judiciary Court, Trial of Oscar Slater, 1908–1928, Papers relating to the 1914 Inquiry, AD21/15/6.

<sup>139</sup> Ibid.

<sup>140</sup> Ibid.

<sup>141</sup> Ibid. The Inquiry documentation also noted that John Thomson Trench’s brother, Robert, was dismissed from the Police Force in Glasgow for obtaining a reward by false statement. He was latterly convicted of theft. The family history of Mr John Thomson Trench was tracked using records found at [www.ancestry.com](http://www.ancestry.com) (accessed 19 July 2019).

testimony, and the evidence he had leaked sensitive information to third parties, all formed part of a government white paper stemming from the Inquiry in June 1914, and must have done much to tarnish the detective's reputation.

Indeed, by September of 1914, Trench was clearly in trouble. Chief Constable James V. Stevenson sent a report to the Magistrate's Committee in the early days of the month notifying them that he had suspended Detective-Lieutenant Trench '... for the offence of communicating to a person who is not a member of the Glasgow Police Force ...'.<sup>142</sup> As Chief Constable Stevenson explained:

Detective-Lieutenant Trench did not ask or receive my permission to communicate information or copies of documents to DC or to any other person, and I had no knowledge that he had done so until I was informed by the Sheriff immediately before his inquiry ...

It was a great surprise and disappointment to me to learn that any officer of the Glasgow police, and particularly an officer of such rank, and one so trusted as Lieutenant Trench, should have entered into secret communication with a person outside the force, and should have taken advantage of the access to official records which his position of trust afforded him, to secretly copy and dispose of documents which he well knew to be confidential.<sup>143</sup>

Although Stevenson had been shown the letter that Trench had from the Secretary of State for Scotland asking him to submit his evidence, the Chief Constable dismissed this saying: 'No person except the Chief Constable could give such authority, and the production of this letter is an attempt to over-ride the authority of the Chief Constable.'<sup>144</sup> Stevenson also challenged Trench, that if he thought this information so pertinent, he should have raised it at the trial in 1908. Stevenson concluded by saying that Trench's actions were:

a deliberate act of gross indiscipline and as subversive of authority. Moreover, his action is destructive of the confidence that should subsist between officers of the detective department in carrying out their duties to the public.<sup>145</sup>

When the Magistrates' Committee met to discuss the fate of Trench's career just a few weeks later, the detective tried to defend his actions to them, saying that in twenty-one years of service in the police force, he had never questioned the act of a superior and had never once been charged with '... an infringement of discipline.'<sup>146</sup> More

<sup>142</sup> NRS, Justiciary Court, Criminal Case File 1914–1948: Oscar Slater, HH16/111.

<sup>143</sup> SL, William Routhead Collection, R+343.1.S1.15/v2526, scrap book of documentation relating to the suspension of John Thomson Trench from the Police Force, September 1914.

<sup>144</sup> *Ibid.*

<sup>145</sup> *Ibid.*

<sup>146</sup> NRS, Justiciary Court, Criminal Case File 1914–1948: Oscar Slater, HH16/111.

importantly, whilst he acknowledged that although ‘... there was nothing in the A.B. incident’, he maintained that all he was trying to do was ‘... remedy a terrible wrong’. He restated his belief that ‘... there may be something amiss’ in relation to the Oscar Slater case as he did not think that the hammer was the murder weapon and he declared himself ‘satisfied’ of the man’s innocence from his ‘... appearance and demeanour’.<sup>147</sup> Despite the fervent nature of his pleas, the senior magistrate Baillie Thomas McMillan recounted:

As a Court we could do nothing but dismiss Lieutenant Trench in the interests of the discipline of the Force, and the meeting was unanimous. As a Bench we were sorry for Lieutenant Trench, but we had a duty, no matter how painful, to discharge, and we discharged that responsibility.<sup>148</sup>

As if this shameful, career-ending reprimand was not enough, more ignominy was set to befall Mr Trench just a few months later. For, after re-enlisting in the army and just as his regiment was about to leave for Gallipoli in May 1915, he was arrested on a charge of reset (or the selling or holding of stolen goods). As Trench himself later commented ‘... it seemed as if an attempt was being made to blast my life altogether’.<sup>149</sup>

What can arguably only be described as a ‘vindictive’ indictment on the part of the Scottish authorities was brought on the 7th of August 1915 at the High Court in Edinburgh. It charged three men – John McArthur, John Thomson Trench and David Cook (Thomson Trench’s erstwhile confidante) – that ‘acting in concert’ on the 19th of January 1914 at 5 Annfield Place, Dennistoun, Glasgow,

... you did reset 24 alberts (chains), 627 rings, four curb bracelets, 28 bangles, 24 necklets, two pairs of sleeve links, nine sets of studs, 20 medals, 299 brooches, eight expanding wrist watches, 43 watches, 73 locketts, 95 charms, 29 pendants, eight scarf pins, one pair of ear-rings, one fob, and two necklets/pendants to the value of £535 15s 5d.<sup>150</sup>

There were three other charges in the indictment, but as they were directed specifically at John McArthur and he had absconded from justice, only the first charge applied against Trench and Cook. Both men pleaded not guilty.

Trench’s declaration to the authorities made on the 14th May 1915 was read out in court as part of the trial proceedings and gave his version of what had transpired. Early in 1914, Trench was asked by Detective Sergeant Montgomery to investigate a burglary at Reis the jewellers in Jamaica Street, Glasgow. When he arrived at the scene, the then Detective-Lieutenant ‘... saw that the premises had been entered by cutting a hole in the ceiling from an Umbrella Makers’ premises above’. On the basis of this,

<sup>147</sup> Ibid.

<sup>148</sup> Ibid.

<sup>149</sup> Ibid. See also Anonymous, ‘A Policeman to Remember’, p. 358 and Hunt, *Oscar Slater*, p. 183.

<sup>150</sup> NRS, Justiciary Court, Process Papers, Indictment, JC26/2925/205.

he had concluded ‘... that the burglary was the work of an expert gang’.<sup>151</sup> He then followed usual procedure in terms of getting a sense of what had been taken and its value and description, which he subsequently circulated via communication with the Central Police Office. He learned from the jeweller, Mr Reis, ‘... that a large quantity of jewellery had been taken ... it ran to something like £1700’.<sup>152</sup> After approximately four or five days, with the investigation going nowhere, Trench suggested to his fellow officer Detective Sergeant George Dickie (whilst the two were off-duty) whether their informant John McArthur should be approached for his help. Dickie said to his colleague, ‘If it doesn’t do any good it can’t do any harm’.<sup>153</sup> Consequently, the two officers went off in search of McArthur and eventually found him in Crown Street. The Detective-Lieutenant asked McArthur for his help in tracing the thieves. McArthur said he didn’t know anything about the matter and hadn’t heard anything about it either, but promised that if he heard anything he would let them know.<sup>154</sup>

John Thomson Trench met McArthur a few days later. McArthur asked the detective if there was a reward being offered in the matter and the Detective-Lieutenant said that the Mr Buchanan of Guardian Assurance Company had offered one as his company were ‘... very anxious to recover the stolen property’.<sup>155</sup> McArthur said ‘... there was a party who he thought could give some information’ but that he wanted to meet the insurance man first.<sup>156</sup> Trench subsequently took McArthur to Buchanan’s house. McArthur told Buchanan that ‘... the articles could be recovered on making payment of the sum of £400’. Buchanan thought the sum unproblematic but added that he would need to consult with his Head Office before agreeing. The individuals present also discussed who would be the person responsible for returning the stolen goods. David Cook’s name was mentioned at this point but when questioned, Trench could not recall who said this.<sup>157</sup> Out of the earshot of McArthur, the Detective-Lieutenant said to Buchanan that this arrangement was problematic due to his ‘... position as a Police Officer’ and told the insurance man that as well as contacting his Head Office for permission, he would also need to have this cleared by Superintendent Lindsay in charge of the department and ‘... to consult with him for guidance in this matter’. Buchanan agreed to do this first thing in the morning.<sup>158</sup>

Detective-Lieutenant Trench briefed the Superintendent prior to Buchanan’s arrival the next morning. The Superintendent was clearly uncertain about how to proceed in this matter and so referred the issue to the Chief Constable and the four men met together. Mr Buchanan pressed upon the Police Officers present the need for this deal to work out, because ‘... it was a serious thing for them and that they couldn’t afford to let a thing like that slip past as it meant a saving of a good few hundred pounds to

<sup>151</sup> NRS, Justiciary Court, Process Papers, Declaration of Detective-Lieutenant John Thomson Trench, JC26/1915/105.

<sup>152</sup> *Ibid.*

<sup>153</sup> *Ibid.*

<sup>154</sup> *Ibid.*

<sup>155</sup> *Ibid.*

<sup>156</sup> *Ibid.*

<sup>157</sup> *Ibid.*

<sup>158</sup> *Ibid.*

his Company'.<sup>159</sup> This was because the arrangement would evidently reduce Reis's claim against the insurers of the jewellery. The Chief Constable understood the insurance man's position, but wished that McArthur had gone straight to Buchanan, so that the police had not become involved. He said in conclusion '... he was afraid that Mr Buchanan would require to carry the matter through himself as the Police could not assist him in a matter of that kind'.<sup>160</sup> Despite hearing the Chief Constable's advice, Trench went to see David Cook immediately afterwards. After hearing the story, the lawyer said that '... he could see nothing to prevent *him* as a Law Agent assisting in this matter'. The money was then handed to Cook who counted it and the men arranged to meet McArthur at 3 pm that day at the corner of Bath and Elmbank Street.<sup>161</sup>

John Thomson Trench and David Cook met McArthur and went to pub opposite the King's Theatre. They started discussions about the deal but Trench soon left because McArthur '... was reluctant to say much in the presence of the police'.<sup>162</sup> Trench met up again with Cook at the Central Police Office about 8 or 9 pm that night, when the lawyer was able to report that Mr Buchanan had '... recovered the stuff' and that it had been sent to valuers.<sup>163</sup> The next morning the Detective-Lieutenant reported everything to Superintendent Lindsay and asked what he should do in the matter, with reference to appropriating the stolen property. Lindsay told his officer to go to see the Fiscal, Mr Hart. There, Trench was told that '... there was no use taking possession of such a mass of stolen property unless I was going to use it as productions against some person'. Mr Hart then recommended that the officer '... keep up the enquiry and that if I got any evidence to connect the thieves with the stolen property to report to him further'.<sup>164</sup> The Detective-Lieutenant reported all this to his senior officer.<sup>165</sup>

Aside from Detective-Lieutenant Trench retaining a superficial involvement in the 'arrangement' that transpired against the advice of his superior officer, there seems to have been little evidence of illegality on his part in the testimony heard in court. This led some newspapers to describe the trial as one which had occurred '... under circumstances in some respects almost akin to comic opera' and made Sir Arthur Conan Doyle describe the affair as a 'persecution' rather than a 'prosecution' of John Thomson Trench.<sup>166</sup> It seems that comparatively similar views were held by the prosecution in this case too! Although the Lord Advocate began his charge to the jury by emphasizing how serious a charge this was, especially when made against '... men in the positions

<sup>159</sup> Ibid.

<sup>160</sup> Ibid.

<sup>161</sup> Ibid.

<sup>162</sup> Ibid.

<sup>163</sup> Ibid.

<sup>164</sup> Ibid.

<sup>165</sup> The contents of this declaration were all corroborated by the testimony of David Cook, who went as far as saying that if he was guilty of any crime, then his co-accused should be J.V. Stevenson, the Chief Constable of Glasgow, who knew of the matter – see NRS, Justiciary Court, Process Papers, Declaration of David Cook, Writer, JC26/1915/105.

<sup>166</sup> See *The Sunday Post*, 27th November 1927 and SL, William Roughead Collection, R+343.1.S1.15/v2526, scrapbook of documentation relating to the suspension of John Thomson Trench from the Police Force, September 1914.



which the accused have held and still hold, he then went on to problematize the case he and his legal team had made against the two men standing in the dock.<sup>167</sup>

First, he admitted that it is tricky to prove a charge of reset as you have to demonstrate that the individuals *knew* the goods to be stolen when they received them. He then noted that the crime was said to have occurred in January 1914 but as no charges were brought until May 1915, a lot of the witnesses brought to court to testify could not recollect the details associated with the events.<sup>168</sup> The Lord Advocate then referred to a letter dated the 20th of January 1914 which had been sent to the Chief Constable by Mr Buchanan informing the officer that the stolen property had been recovered intact. Buchanan wanted to write to ‘... express my appreciation of the good offices of Detective Trench, as I am aware that without his assistance the matter could not have been carried through.’ Mr Buchanan then said in the same correspondence that the company directors would undoubtedly want to recognize Trench’s efforts on this matter.<sup>169</sup> This letter made plain that senior police officers knew of the arrangement that had been made with the informant and the insurance company. This was further corroborated by the production of a report written by John Thomson Trench to his immediate superiors and to the Procurator Fiscal on the 21st of January 1914.<sup>170</sup> Although various individuals (including the said Fiscal Mr Hart) had testified in court that they had *not* met with Trench about this case, the Lord Advocate asked the court to consider why the former detective would lie about these meetings in an official report to his superiors two days after the crime.<sup>171</sup>

The Lord Advocate concluded his summation by saying that ‘... according to my judgement, there is no law that would justify you in finding the crime of reset has been committed under the circumstances disclosed here.’ He went on to suggest the heart of what occurred when he said:

If a man received stolen goods for the purpose of handing them back to their owner, accepted a fee and carried out that purpose, you could not call that man a resetter. This is because in law, the resetter has to take possession of goods in order to prevent them being returned to their rightful owner. Thus, if there is anyone guilty of reset in this case, it is actually Mr Buchanan, who, according to the Lord Advocate: ‘... took the goods away; he kept them for a night and then handed them over.’ However, he did all this with the explicit purpose of returning the goods to the owner, so in Scots law this would not constitute reset.<sup>172</sup> Thus in sum I think nothing has been put that would justify you in bringing in a conviction against these two accused persons.<sup>173</sup>

<sup>167</sup> Glasgow City Archives, The Mitchell Library, Papers relating to Oscar Slater (1872–1948) Victim of Miscarriage of Justice, The Lord Justice Clerk’s Charge to the Jury in the Trial of John Thomson Trench (1915), TD1560/5/9.

<sup>168</sup> *Ibid.*

<sup>169</sup> *Ibid.*

<sup>170</sup> *Ibid.*

<sup>171</sup> *Ibid.*

<sup>172</sup> It should be noted that in English law these actions may well equate with the Common Law offence of compounding a felony.

The jury, unsurprisingly after that direction *from the prosecution*, ‘... returned a unanimous verdict of not guilty in favour of both pannels [accused].’<sup>174</sup>

William Roughead’s view of what had transpired against John Thomson Trench since his appearance at ‘The Secret Inquiry’ was to note that although the police are sometimes criticized for the nature of their involvement in a specific case, to him, there was ‘... no incident more deplorable than what occurred here’ in relation to this farcical trial which seemed to have occurred purely to demean and humiliate the erstwhile police officer.<sup>175</sup> In any event, after being dismissed from the police force and in the aftermath of the trial against him, Trench returned to his regiment, the fifth Battalion Royal Scots Fusiliers and served sporadically in Egypt and in France during the First World War, being invalided home on several occasions. Evidently, his health had been undermined by his various experiences, and Quartermaster-Sergeant John Thomson Trench died on the 13th of May 1919 at the age of fifty.<sup>176</sup>

### Conclusion: Who did kill Marion Gilchrist?

If we can now assume that Oscar Slater was innocent of any involvement in the murder of Miss Marion Gilchrist, then it is evident that her killer was not brought to justice. So do we have any indication as to who the murderer might have been? Well it is evident that the police did, in fact, consider and interview a range of potential suspects, other than Slater, at least in the immediate aftermath of the murder.<sup>177</sup> Police informants also came forward with a range of individuals they believed capable of the crime, although this typically occurred when the named individual owed the informant money!<sup>178</sup> One man, George Ewart, was even arrested for the crime, although subsequently released and two other individuals confessed to their involvement in the murder of Miss Gilchrist, but were quickly eliminated from police enquiries.<sup>179</sup> Officers did pay considerable attention to a man called Patrick Nugent purported to be the paramour

<sup>173</sup> Ibid.

<sup>174</sup> Ibid.

<sup>175</sup> Roughead, *Trial of Oscar Slater*, p. xiii.

<sup>176</sup> See *ibid* as well as Anonymous, ‘A Policeman to Remember’, p. 359. David Cook died just a few years later on the 3rd of October 1921. He was just forty-eight. See *The Sunday Post*, 11th December 1927.

<sup>177</sup> From a detailed analysis of the paperwork related to the early days of the police investigation individuals such as Elias Cohen and Harry Harper had their photocards confiscated and were kept under surveillance. Other named suspects included Robert Moffat, James Bow, William Proudfoot, James Armstrong and Dr J. Spencer-Daniell. See GUA FM Case Files 1906–1969 – Oscar Slater, 2B/5/1/111; 2B/5/1/116 and 2B/5/1/132.

<sup>178</sup> A good example of a suspect derived in this way is William Goodfellow – see GUA FM Case Files 1906–1969 – Oscar Slater, 2B/5/3/22.

<sup>179</sup> For the arrest of George Ewart on the 23rd of December 1908, see GUA FM Case Files 1906–1969 – Oscar Slater, 2B/5/1. For confessions made, see that of Robert Johnstone and a detailed letter sent to the *Glasgow Weekly Mail* in June 1909 by an evidently Irish individual – see respectively GUA FM Case Files 1906–1969 – Oscar Slater, 2B/5/3/149 and SL, William Roughead Collection, R+343.1.S1.15/v2527/191.

of Helen Lambie, Miss Gilchrist's domestic servant, but they found no evidence which materially linked him to the crime or its aftermath.<sup>180</sup>

The main reason that these particular individuals became linked to the murder at Queen's Terrace, and indeed the reason that Oscar Slater came to be associated with that crime, was the supposition that the murder was committed in order to expedite an act of robbery or theft. Most of the named suspects were small-time crooks or petty thieves who knew the value of stolen goods. However, if we consider the fact that only a single brooch was seemingly taken, when there was an opportunity to steal much more in the way of jewellery, plate, silverware, artwork, furniture and other items, an acquisitive motive seems perhaps implausible.<sup>181</sup> Moreover, given the care which Miss Gilchrist paid to her own personal security and possessions, how would anyone on the outside know the value of goods in her apartment, unless they had already observed it? Indeed, a closer examination of the crime scene evidence suggests that it was documentation of some sort that the intruder was looking for, rather than any plunder.<sup>182</sup> Next if we consider the nature of the debased assault on Marion Gilchrist, we might assume that it was an episode of homicidal brutality. Yet, surely such a crazed individual would have been easily identifiable to the authorities or would have likely tried to kill again in the same fashion. It is more likely that the demise of Miss Gilchrist began with a personal altercation which escalated into unadulterated rage and prolonged savagery. Cumulatively, this supposition, and the mystery of how the killer gained access to the premises, suggests that the killer and victim knew one another, or they were related. This coincides with Helen Lambie's acknowledgement to some parties, in the immediate aftermath of the murder, that she recognized the man she saw leaving her mistress's apartment.

It is clear that various male relatives of Miss Gilchrist *were* considered suspects. Indeed, only a few days after the murder, Detective-Lieutenant John Thomson Trench noted that three separate sets of families, all related to Marion Gilchrist, had been investigated and their photographs shown to the key witnesses in the case.<sup>183</sup> According to an anonymous letter sent to the Chief Constable of Glasgow Police on the 25th of December 1908, just a few days after the murder, some of Marion Gilchrist's family were 'wild' at her getting all of the money in her father's will when he died and they

<sup>180</sup> See GUA FM Case Files 1906–1969 – Oscar Slater, 2B/5/4/231 and NRS, Justiciary Court, Criminal Case File 1909: Oscar Slater, Letter to the Secretary of State for Scotland, 18th May 1909, HH16/109/1. One of the papers alleges that Patrick Nugent was an alias for Hugh Cameron, one of the witnesses for the defence in the Oscar Slater trial who was a friend of Slater and who substantiated his alibi. It suggested that as Cameron was married, but wanted to 'step out' with Helen Lambie, he used the name Patrick Nugent to cover his tracks. If true, this would link Helen Lambie with Oscar Slater, but there is no evidence to substantiate the suggestion that Nugent and Cameron were one and the same man.

<sup>181</sup> See NRS, Justiciary Court, Process Papers, Inventory of Possessions, JC34/1/32/9.

<sup>182</sup> See Roughead, *Trial of Oscar Slater*, pp. xxviii; Hunt, *Oscar Slater*, p. 148 and Park (1927) *The Truth about Oscar Slater*, p. 44.

<sup>183</sup> See SL, William Roughead Collection, Excerpt from Glasgow Police Archives, R+343.1.S1.15/v2527/473.

had ‘... bore her a grudge ever after.’<sup>184</sup> Attention soon focussed further after this, not on the Charteris brothers seemingly identified by Helen Lambie, or on the Lee brothers from another side of the family, but on the four Birrell brothers, nephews of Miss Gilchrist who were the sons of her sister Janet from her marriage to Walter Birrell.<sup>185</sup> Other anonymous letters subsequently arrived and pointed the finger specifically at one of the nephews who ‘... seemed to put the fear of death into others’ and who ‘... everyone was warned not to turn their back on.’<sup>186</sup> Two of the nephews – William and Wingate – had strong alibis for the night of the murder<sup>187</sup> and another, James Aitken Birrell claimed, when interviewed, that he had ‘... never met the victim or conversed with her.’<sup>188</sup>

This left the police to concentrate on George Gilchrist Birrell. He admitted in a statement to the police in January 1909 that he had sent his wife to visit his aunt when they were ‘... in straightened circumstances’ to ask for her assistance. She refused. However, he did remember his wife telling him, after her visit, that Miss Gilchrist was well off as she saw her wearing ‘... a good many rings’ and was ‘... gorgeously dressed’. He also acknowledged his family’s bitterness about Miss Gilchrist receiving more than her share of her father’s estate, but noted his own father did not want to contest the matter.<sup>189</sup> Interestingly, archival research has revealed evidence

<sup>184</sup> See GUA FM Case Files 1906–1969 – Oscar Slater, 2B/5/1/28. This grudge seems to be more evident amongst the men in the family, rather than the women and that supposition is borne out by Marion Gilchrist’s will, where only female relatives benefitted and explicit instructions were provided to ensure that the male relations of the beneficiaries were not to have access to any of the monies bequeathed, nor to dictate or in any way control what the women spent the money on – see NRS, Justiciary Court, Process Papers, Last Will and Testament of Miss Marion Gilchrist, JC34/1/32/18 and *The Scotsman*, 29th December 1908, p. 4.

<sup>185</sup> There were six boys born into the Birrell family: John, Walter, William, Windgate, George and James, who was the oldest. There are no records of the whereabouts of John or Walter and they may have died in childbirth. The family history of the Birrell family was tracked using records found at [www.ancestry.com](http://www.ancestry.com) (accessed 20 July 2019). It should be noted that there is no evidence of the existence of an Austin Birrell, the co-protagonist (along with Dr Francis Charteris) in Jack House’s investigation into the Gilchrist murder – see J. House (2002) *Square Mile of Murder* (Edinburgh: Black and White Publishing), pp. 140–84.

<sup>186</sup> See, for instance, GUA FM Case Files 1906–1969 – Oscar Slater, 2B/5/1/119 and GUA FM Case Files 1906–1969 – Oscar Slater, 2B/5/3/48.

<sup>187</sup> A telegraph sent to Glasgow City Police from Superintendent Cameron of Limehouse, London notes that William Birrell was seen by witnesses at his home in North Woolwich (London) on the night of the murder – see GUA FM Case Files 1906–1969 – Oscar Slater, 2B/5/1. A letter dated 31st of December 1908 written by Policeman Charles Hatton of North Woolwich (London) to Glasgow City Police notes that in the days and nights around the murder, Windgate Birrell was too ill with consumption to have travelled to Glasgow – see GUA FM Case Files 1906–1969 – Oscar Slater, 2B/5/1/135. An interesting but largely implausible theory suggesting that Dr Francis Charteris and Windgate Birrell worked together to kill Marion Gilchrist in order to get hold of her will is presented in T. Toughill (1993) *Oscar Slater: The Mystery Solved* (Edinburgh: Canongate Press). The involvement of either the Charteris or the Birrell family is roundly rejected through the detailed research evident in R. Whittington-Egan (2001) *The Oscar Slater Murder Story: New Light on a Classic Miscarriage of Justice* (Glasgow: Neil Wilson Publishing).

<sup>188</sup> The original precognitions taken from the Birrell brothers were included in the papers of ‘The Secret Inquiry’; see NRS, Justiciary Court, Trial of Oscar Slater, 1908–1928, Papers relating to the 1914 Inquiry – Testimony of James Aitken Birrell, AD21/15/6.

<sup>189</sup> NRS, Justiciary Court, Trial of Oscar Slater, 1908–1928, Papers relating to the 1914 Inquiry – Testimony of George Gilchrist Birrell, AD21/15/6.

from two other witnesses which arguably intensifies the spotlight on George Birrell as a potential suspect. The first was an interview conducted with the servant of Marion Gilchrist's sister Elizabeth, Margaret Fraser, who told the police that George Gilchrist visited her mistress on a few occasions and '... was always very debauched in appearance' and typically begged for money. Elizabeth Gilchrist her mistress '... was very much afraid of him' and asked Margaret to do her best not to admit him. Specifically the servant was told by her mistress that '... she was in terror of him pouncing upon her when he was in'.<sup>190</sup> The second interesting piece of evidence is from another police interview in January 1909, but with William J. Oliver, who knew George Gilchrist and recalled him talking about a wealthy old aunt that he had, who refused to help him when he was down on his luck. Gilchrist said to Oliver, 'If I get a chance, I will smash her to pulp'.<sup>191</sup>

The reason George Gilchrist Birrell was not pursued is that by January 1909, the police were already convinced that Oscar Slater was the chief – and only – suspect worth pursuing for the murder of Marion Gilchrist. Their wilfulness in this regard, concentrated their efforts solely on bringing *him* to justice and ensuring that the little evidence they had, could be aligned to *him* as the culprit. They felt vindicated and victorious, when the Edinburgh Police reported during the trial (on the 6th of May 1909) that once, when they escorted Oscar Slater from the dock back to the cells, he confessed to having being involved – *with another* – in the murder of Miss Gilchrist.<sup>192</sup> Curiously, given that this confession was said in front of three police officers, it is strange that not more was made of this, by the press or the prosecution at the time.<sup>193</sup> This may have something to do with the fact that the three men gave completely contradictory statements regarding what Oscar Slater actually said when they were each later interviewed by their Glaswegian counterparts.<sup>194</sup> Given everything that we know about this case and the lengths the authorities would go to in order to 'save face', was this supposed confession just another fabrication and manipulation to that end?

It is clear that well over a century after Marion Gilchrist was murdered in her own home, a swathe of unanswered questions remain about this tragic and brutal event. Perhaps most importantly of all, it would seem that no-one has been brought to justice for this crime; however, we are not even entirely sure of that! What we can be certain of is that this chapter has shown the investigation into the murder of Miss Gilchrist to be the most flawed, prejudicial and mismanaged in the history of British justice. The rotten tentacles of the deliberate negligence displayed had a significant reach as it involved and impacted upon family members of the victim as well as her friends who may have

<sup>190</sup> See a memo from Glasgow CID regarding police interviews conducted on the 7th of January 1909 with various individuals – GUA FM Case Files 1906–1969 – Oscar Slater, 2B/5/5.

<sup>191</sup> *Ibid.*

<sup>192</sup> See the memo notifying Detective Superintendent John Ord of Slater's confession – GUA FM Case Files 1906–1969 – Oscar Slater, 2B/5/6/1. See also Hunt, *Oscar Slater*, p. 126.

<sup>193</sup> I can only find the confession mentioned in two newspaper reports; see *The Scotsman*, 8th May 1909, p. 8 and *Fife Free and Kirkcaldy Guardian*, 8th May 1909, p. 2.

<sup>194</sup> Further detailed scrutiny of the interview transcripts of the three police officers who heard the confession highlighted significant differences between them – see *ibid* as well as SL, William Roughhead Collection, R+343.1.S1.15/v2527/135.

known more about the murder than they admitted; suspects who may or may not have been innocent; witnesses (including apparent ‘experts’) who may or may not have been accurate or honest in their testimony; and even police officers and other authority figures, some of whom were prepared to question what had transpired and speak out in the interests of truth and others who were clearly capable of corruption, bloody mindedness and vindictiveness in order to maintain the façade of their infallibility both in 1908 and in the two decades to follow. Did they close ranks to protect slipshod serving officers? Did they react to a burdensome pressure to get results? Or, was there an element of institutionalized anti-Semitism? Whilst their reasons remain unclear, the failure to bring these latter authority figures to book and to make them accountable for the shameful practices evident in the Gilchrist investigation is nothing less than a scandalous embarrassment and a blatant, inescapable example of injustice laid bare for Scottish and indeed British society. The fact that this remains as true today as the first third of the twentieth century is a further stain on the memory of the blameless, vulnerable victim in this case, Miss Marion Gilchrist (1826–1908).<sup>195</sup>

<sup>195</sup> The family history of Miss Marion Gilchrist was tracked using records found at [www.ancestry.com](http://www.ancestry.com) (accessed 16 June 2019).

