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were otherwise qualified under this rule have been admitted without having to take and pass another examination. There is another possible ill effect of the amendment. Under present rules, graduates of out-of-state law schools are eligible to take the bar examination without having had law school training in Louisiana Civil Code and Louisiana Code of Practice subjects. Law office study is still permitted. This means that those best equipped to take the bar examination are excused and that only those who have had no law school training or no law school training in Louisiana subjects take the examination. Without Louisiana law graduates taking the examination, unconsciously the examiners might tend to a lowering of standards.

The amendment may be short-lived. It states that "during the existence of the present Korean conflict said examinations shall not be required of any graduate . . ." ¹ This prompted the Standing Committee on Legal Education and Admission to the Bar of the Louisiana State Bar Association to recommend in its report to the Association at its annual meeting in May 1954 that it go on record as memorializing the Supreme Court of Louisiana to abolish the "diploma privilege." The recommendation was adopted.²

*A. E. Papale**

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On December 21, 1908, an old lady named Marion Gilchrist was murdered in a seven-room flat on the second floor of a tenement building in Glasgow. The time was about seven o'clock in the evening, and Miss Gilchrist's maid, Helen Lambie, had gone out to buy a newspaper. A Mr. Adams, who occupied the flat below, heard a noise in Miss Gilchrist's apartment, and came upstairs and rang the bell, but was unable to obtain admittance until some minutes later, when the maid Lambie returned and

1. Art. XII, § 7(3), Articles of Incorporation of the Louisiana State Bar Association (1953).

2. For a more detailed account of the present situation in Louisiana and for additional arguments in support of the quick demise of the diploma privilege, see Hebert, *The Work of the Louisiana Supreme Court for the 1952-1953 Term—The Legal Profession, Bar Admissions*, 14 LOUISIANA LAW REVIEW 79 (1953).

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opened the door with her keys. As they entered, a man "of gentlemanly appearance" came out of a bedroom, and with a "courteous and pleasant smile" passed through the hall, out of the door, down the stairs and so into the street, and into silence and mystery, perhaps forever. He was beyond all question the murderer.

Miss Gilchrist was found beaten to death with some blunt instrument, never conclusively identified. The flat had been ransacked, and a box containing papers had been broken open; the carpet was strewn with papers which apparently had been looked at and rejected. The maid Lambie "thought" that a diamond brooch was missing; but there was a great deal of other valuable jewelry lying about, visible and unappropriated, and more which was concealed. The police assumed, too readily, that the motive must have been robbery, and they issued a notice saying that a diamond brooch had been stolen.

All of the subsequent speculation over the case has turned upon the probability that the murderer was some one well known to the victim. Some document, and not jewelry, appears to have been what he was seeking. He was not satisfied with making the old lady unconscious, but battered her until he killed her, which suggests that she could name him if she were left alive. Miss Gilchrist was a timid soul, extremely nervous about burglars, and she lived behind two patent locks with different keys, a bolt and a chain, and would admit no one whom she did not know to her flat when she was alone.

The investigation which followed was a monument of almost perverse stupidity. There was the mark of a bloody hand upon a chair, but apparently no one in Glasgow had ever heard of finger prints. A German Jew named Oscar Slater, a man of low character and singularly unappealing personality, was found to have pawned a diamond brooch, and to have offered the pawn ticket for sale. He had been in Glasgow for only two months, and there never was any suggestion that he had had any acquaintance or connection whatever with Miss Gilchrist. The brooch turned out later to be his own, and pawned before the murder. Unfortunately he had bought a ticket to America, and when the police came to look for him they found that he had sailed. The trip had been planned for some little time before Slater came to Glasgow, but it gave him the appearance of a fugitive. He was identified in New York by the maid Lambie, as well as by an

errand girl named Barrowman, who had made some contradictory statements about a man she had seen in the street the evening of the crime. Both witnesses had been shown a photograph of Slater before they picked him out of a line-up.

The trial which followed was slammed through with all of the arrogant confidence of authorities who are sure that they have the right criminal, and will not listen to any argument. Slater was handicapped in his defense by poverty, by counsel inexperienced in criminal cases, by the fact brought out in evidence that he had a mistress, and by the very unpleasant impression that he made upon everyone in the courtroom. The Lord Advocate prosecuted the case with a warmth and vigor unusual in Scotland, and withheld from the jury facts known to the police which might have aided the defense. The judge did little or nothing to protect the interests of the accused. There was much incidental and unsatisfactory evidence, such as the fact that a hammer without bloodstains was found in Slater's trunk; but in its essence the case against him rested upon the identifications of the two women, plus the very cautious statement of Adams that Slater "resembled" the murderer. The jury, by a vote of nine to six under the Scottish procedure, believed the witnesses. Slater was found guilty of murder, and sentenced to death.

It was the beginning of a nineteen-year struggle. There was dissatisfaction in the press, and a petition with 20,000 signatures; and on the eve of execution the sentence was commuted to imprisonment for life. Sir William Roughead, Sir Arthur Conan Doyle, and Sir Herbert Stephen, among others, took up the case. The pressure upon the government resulted in a commission of inquiry in 1914, which was carefully limited in scope to avoid all of the important questions. The inquiry brought out the facts, unearthed by a Lieutenant Trench of the Glasgow police, that the girl Barrowman had made so many inconsistent assertions that her identification of Slater was quite worthless; and that within half an hour after the murder the maid Lambie had told Miss Gilchrist's niece that she had recognized another man, who had visited the old lady before. The name of this individual, for reasons not unconnected with the law of libel, never has appeared in print, and his identity still is veiled under the initials A.B. The inquiry refused to believe all this, and ended in a complete whitewash, which laid the case upon the table. Its only result was that Lieutenant Trench was dismissed from the Glasgow

police for disloyalty to the force, and thereafter persecuted by his former superiors.

The agitation still would not down. Another fourteen years of it at last provoked a private investigation by a daily newspaper, which led to an act of Parliament giving retrospective jurisdiction to the newly established Scottish Court of Criminal Appeal. There the conviction was at last reversed on the frustrating ground of an error in the instructions to the jury, and Slater finally went free.¹

Oscar Slater is England's classic example of "convicting the innocent." It was inevitable that sooner or later some one would write a novel about the case. Mr. Cronin, whose other fiction entitles him to respect, has done so. He has adopted the device of following a fictitious son of Slater who finds out what has become of his father, investigates, and does what was done in fact by Roughead, Conan Doyle and the newspapers. He succeeds, of course, in vindicating the prisoner and exposing the real murderer, who is filled in along the lines of the shadowy A.B.

There is in the Slater case the material for a great novel. This is not it. Mr. Cronin's plot of course comes to him ready made to hand, as do his events, his facts, his evidence and his characters. He has made minor changes—Miss Gilchrist becomes a young woman instead of an old lady, and the like; but they are of no great significance. He has added only two clues of his own. One is that the murderer is the owner of a green bicycle, which obviously is lifted from another noted English case. The other is that the final and supposedly conclusive bit of evidence against him is that he is left-handed—a thing utterly anathema to all self-respecting writers of detective stories, the only word for which is corny. The last time I saw it on the stage was in a piece of claptrap entitled *The Trial of Mary Dugan*. I thought then that it was preposterous, and there is nothing here to change my opinion. If left-handedness were strong evidence of crime, a large part of the human race would be in jail.

Mr. Cronin's treatment of the theme is pure Hollywood, in the worst sense of the term. His characters walk through their parts like automata, reciting the evidence assigned to them by

1. *THE TRIAL OF OSCAR SLATER*, edited by William Roughead, appeared in the *NOTABLE BRITISH TRIALS SERIES* in 1910. The best short account of the case is in *ROUGHEAD, ENJOYMENT OF MURDER 221-270* (1933). See also Doyle, *THE CASE OF OSCAR SLATER* (1913) and Park, *THE TRUTH ABOUT OSCAR SLATER* (1927).

the case. The pure in heart are altogether pure in heart; everything is black or white, no one has any shade of gray. The police and the lawyers, who in actual fact were only stupid, obstinate, arrogant men basking in the serene assurance that they knew more about the case than the outsiders who were trying to meddle with it, and resenting the attacks upon their methods, their intelligence and their integrity—these become villains of the deepest dye, inspired by motives of personal advantage out of the case, capable of any dirty trick or lie, with no redeeming trait at all. The one exception in the book is Slater himself, whose sullen anger and gross incivility and ingratitude to the devoted men who had labored for twenty years to set him free is duplicated quite effectively.

Particularly disappointing is the key witness of the Slater case, the maid Helen Lambie. Even at this distance and in cold print she comes through as an interesting psychological study. She was an insolent, unscrupulous witness, who lied repeatedly, under oath or not, and was caught lying and lied her way out of it, all with no visible motive or reason at all. After she had married and come to America, she gave a newspaper interview in which she said that she had in fact recognized A.B. and had told the police, but was "persuaded" by them that she was "mistaken." She refused to go to England with her expenses paid, and say this under oath. When last heard of she was living in Peoria. She may be still alive. If not, it might be well worth while to ascertain what, if anything, she said to those about her, or upon her deathbed. Mr. Cronin makes her the stock movie character of the venal servant, and supplies facile motives of a share in the reward, which in fact she never got, and money from the murderer, which there is no indication in her history that she ever received. She is definitely unreal; and with her falls the whole book.

I think the thing that irks me most about this novel is its emotional approach to a really serious problem. Innocent men have been convicted; and men have been convicted about whose guilt there was genuine and serious doubt, which is still the most that can be said for Oscar Slater. No one can deny that such cases have an electric atmosphere of emotion. Witness Sacco and Vanzetti. But there is a difference between true emotion and bathos; and this book rings false to me.

The true story of the Slater case is still a far better story

than Mr. Cronin has written. The great novel of the case remains still undone. I should like to read some day the story of Helen Lambie, and of what made her lie. I should like even more to read the story of A.B., and his twenty years behind the shadows while another man, worthless though he was, rotted in prison.

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THE INSTITUTES OF GAIUS. PART II: COMMENTARY, by Francis de Zulueta. The Clarendon Press, Oxford, 1953. Pp. xv, 315, \$5.00.

This volume completes the new edition of the *Institutes* which the author, for many years the holder of the chair of Roman law in the University of Oxford, started when in 1946 he issued the first part containing the Latin text and a translation.

"The main purpose of this work is to help students to read Gaius with profit"—thus reads the first sentence of the author's preface. In accordance with this program, he has not written a book that could take the place of a textbook presenting a full picture of the Roman legal system and its historical growth. He rather follows Gaius' own presentation of the *ius civile* paragraph by paragraph, always explaining the Roman writer's concepts and illuminating the positive institutions described by him. Other sources, the reading of which will aid the student in obtaining a fuller view of principles discussed, are frequently cited. Quite often also Professor De Zulueta delves into the earlier history of institutions to show the background and genesis of the legal situation pictured by Gaius. On other occasions he goes beyond his source and interpolates short chapters on subjects omitted by Gaius, such as divorce and dowry.

It goes without saying that all this is put before the reader in the light and on the strength of the results of modern Romanist research; and well-selected references to modern literature should make it possible for students to penetrate more deeply into the institutions and methods of the Romans than the concise—sometimes perhaps even too concise—comments of the author allow him to do. That Romanists will now and then disagree with the author is of course inevitable; the book would not be the work of an independent scholar if this were not the case.

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