

No. 14057

# Supreme Court of Illinois

People

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vs.

Stone

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71641  7

In the Matter of John Stone convicted  
of Murder, for the allowance of a  
writ of Error, with Supersedeas.

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After argument  
examination, and mature consideration of the errors  
assigned in behalf of the Prisoner, John Stone, on  
the application, for the allowance of a writ of error,  
considering, that the grounds assigned, and assigned  
as errors, excepting those, which relate to the issuing of  
the venue facias, for the petit jury, do not involve  
material, or reasonable cause of error, the reasons for  
which conclusion have been already given orally, in  
extenso, and need not now be repeated; yet entertaining  
doubts on the power of the <sup>Circuit</sup> Court to award, a venue  
facias, in the present case, under the facts developed  
in the record, and as such award may possibly  
conflict with the provisions of Stat. providing the mode  
of summoning Petit Jurors; and such doubts, implying  
a want of absolute certainty, that there is no error in  
the record, and proceedings, and the prisoner, <sup>being</sup> entitled  
to the benefit of those doubts; and being of opinion  
that they amount to the reasonable cause of error  
prescribed, in the Statute; and it being moreover, but  
just, and in conformity with the humane principles,  
which govern the administration of criminal Law  
where life is in question, that the prisoner should  
enjoy the right of having his case reviewed, in the  
appellate Court, the writ of error is, therefore, allowed  
and ordered to be made a Supersedeas. —  
The Clerk of the Supreme Court, of the State of Illinois, will  
therefore, forthwith issue such writ of error, with  
Supersedeas, directed to the Sheriff of the County of

look, staying the execution of the sentence of  
death, until the further order of the Supreme  
Court of this State on the premises  
Chicago 18<sup>th</sup> May 1840.

Wm. W. Smith

Justice Supreme Court  
State of Illinois

In the matter of  
John Stone.  
Duplicate Order  
23 May 1840.

Filed May 23  
1840 - Anderson  
clerk

14057