

**Jones Vs. Perkins**

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**Court :** US Supreme Court

**Decided On :** Jan-07-1918

**Appeal No. :** 245 U.S. 390

**Appellant :** Jones

**Respondent :** Perkins

**Judgement :**

Jones v. Perkins - 245 U.S. 390 (1918)

U.S. Supreme Court Jones v. Perkins, 245 U.S. 390 (1918)

**Jones v. Perkins**

**No. 738**

**Argued December 13, 14, 1917**

**Decided January 7, 1918**

**245 U.S. 390**

*APPEAL FROM THE DISTRICT COURT OF THE UNITED STATES*

*FOR THE SOUTHERN DISTRICT OF GEORGIA*

## SYLLABUS

Petitioner sought habeas corpus upon the ground that the Selective Draft Law, for disobedience of which he was arrested, was unconstitutional. The constitutional questions he raises having all been decided adversely to him in the *Selective Draft Law cases*, ante, [245 U. S. 366](#) , the Court affirms the trial court's order refusing the writ, without, however, departing from the general principle that habeas corpus should not anticipate trial in criminal cases in the absence of exceptional circumstances, and without inquiring whether, in this case, such circumstances existed.

23 F. 997 affirmed.

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The case is stated in the opinion.

MR. CHIEF JUSTICE WHITE delivered the opinion of the Court.

Jones, the appellant, was arrested under a warrant charging him with a failure to register as required by the Act of Congress of May 18, 1917, known as the Selective Draft Law (Public No. 12, 65th Congress, c. 15, 40 Stat. 76), and, after a hearing by a United States Commissioner, was committed to custody to await the ensuing term of the United States district court. Alleging that he was illegally restrained because the statute under the assumed authority of which he was held was repugnant to the Constitution of the United States, he petitioned the court below for a writ of habeas corpus. Following a rule to show cause and a hearing on the return thereto the petition was denied on the ground that the statute was constitutional, and, to reverse the order so adjudging, this direct appeal was prosecuted.

It is well settled that, in the absence of exceptional circumstances, in criminal cases, the regular judicial procedure should be followed and habeas corpus should not be granted in advance of a trial. [Riggins v. United States](#),

[199 U. S. 547](#) ; *Glasgow v. Moyer*, [225 U. S. 420](#) ; *Johnson v. Hoy*, [227 U. S. 245](#) . If that rule applied, therefore, our duty would be to affirm unless this case could be treated as coming within the exceptional class. But we do not deem it necessary to enter into that consideration because, even if it were found to be embraced in such class, every constitutional question relied upon has been this day, in *Arver v. United States*, [245 U. S. 366](#) , decided to be without merit. Because of this situation, therefore, without departing from the general principle, we think it suffices in this case to apply the ruling made in the *Arver* case and, for the reasons stated in the opinion therein, to affirm.

*And it is so ordered.*