

# **THE ARMY AND THE LAW**

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The Army and the Law by Garrard Glenn

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AND THE LAW**



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# THE ARMY AND THE LAW

BY

GARRARD GLENN

OF THE NEW YORK BAR; ASSOCIATE PROFESSOR OF LAW,  
COLUMBIA UNIVERSITY;  
AUTHOR OF "CREDITORS' RIGHTS AND REMEDIES"



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## PREFACE

This book deals with the army only in its relation to the common law which governs the general public, and with the soldier only in so far as his activities are, in point of law, of interest to non-military persons. It is an endeavor simply to assemble the principles of law which impose duties upon the civilian, citizen, or enemy, quite as much as they give him rights which the army must observe. Hence I do not treat of the rules governing the internal affairs of the army except in so far as they bear on its rights and obligations with respect to people who are not members of its personnel. For the same reason, I have avoided mention of the laws of war, and matters of strict international law, beyond such passing reference as might be necessary to indicate the boundaries of the jurisdiction of common law courts. Jurisdiction, as the Supreme Court has said, means simply the power to decide a case;<sup>1</sup> and many controversies are possible with respect to the army which common law courts cannot decide. All such matters I have endeavored to classify as non-justiceable, and to say no more about them than might be necessary for purposes of classification. Such is my appointed path, and for all deviations from it my apologies are tendered in advance.

My thanks are due to all those who took a kindly interest in this work during its progress, including my partners and Dean Stone of Columbia Law School. My brother-in-law, Colonel S. J. B. Schindel, U. S. A., and my partner, Mr. C. R. Ganter, were also kind enough to read the advance proofs and make valuable suggestions thereon.

GARRARD GLENN

*New York, July, 1918*

<sup>1</sup> *The Fair v. Kohler C.*, 228 U. S. 22; 33 Sup. Ct. Rep. 410.

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