

MUTINIES

A Working Bibliography of MHI Sources

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NOTE ON THE MILITARY CONTRACT

Here is briefly examined the legal basis of the military contract relationship between individual and state, especially the state's obligation to fulfill its conditions of the contract, as exemplified, in the 1781 mutiny of the Pennsylvania Line and the payless service of 1877.

A brief commentary on what one authority (William Winthrop) described as the "peculiarity of the [military] contract" appears in his Military Law and Precedents, Vol. II, (Boston: Little, Brown, 1896; UB500W52v2), pp. 829-830. He explained that the state, unlike the individual soldier, is not bound by the conditions of its own contract. In contrast, the British War Office's Manual of Military Law (London: HMSO, 1887; UB625A11) contained a contrary position that such contracts "cannot be altered without the consent of both parties" (pp. 260-61).

On the 1781 uprising of the Pennsylvania Line, the standard work is Carl Van Doren's 288-page Mutiny in January (NY: Viking, 1943; E255V26). A collection of pertinent documents appears on pp. 631-674 of Pennsylvania in the War of the Revolution..., Vol. II (Harrisburg, PA: Hart, 1880; E263P4L75v2).

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See also:

-Bibliographies on Pay.