

PRISONERS OF WAR

INTERNATIONAL LAW PROVIDES FOR THEIR TREATMENT.

Prof. O. D. Skelton Quotes Several Authorities—None of Canada's Prisoners Were Officers in Active Service.

Prof. O. D. Skelton, Queen's University, has made the following statement with regard to the treatment of prisoners of war:

Lawrence, formerly Lecturer on International Law at the Royal Naval War College London, England, in his "Principles of International Law" sums up existing rules as follows.

"While prisoners remain in the power of their captors, the State may employ the private soldiers, but not the officers, in useful work, provided that it is not excessive and has no connection with the operation of the war. . . . Prisoners may be told off to work for other branches of the public service as well as for the military authorities and also for private persons. In all cases they are to receive pay, which is to be expended on the improvement of their position, the balance being handed to them on their release with deductions for their maintenance. . . . Though officers without pecuniary resources; they must receive the same pay as officers of corresponding ranks in the country where they are detained and the amount so expended must be refunded by their own Government at the end of the war," etc., etc.

Oppenheim, Professor of International Law in University of Cambridge, in his "International Law" thus refers to the same point: "Except in the case of officers the labour of prisoners may be utilized by the Government according to their rank and aptitude, but their tasks must not be excessive and must have nothing to do with military operations. . . . But whether they earn wages or not, the Government is bound under all circumstances to maintain them and provide quarters, food and clothing for them on the same footing as for its own troops. Officer prisoners must receive the same pay as officers of corresponding rank in the country where they are detained, the amount to be repaid by their Government after the conclusion of peace."

Westlake, the leading English authority on the subject, in his "International Law" simply quotes the rule on the subject as laid down in the last Hague Convention and accepted by all nations: It is Chapter 3, Article 17: "Officers taken prisoners shall receive the same pay as officers of the same rank of the country in which they are detained, the amount to be repaid by their Government, scale fixed in 1907."

We in Canada have in the past not had much occasion to study the intricacies of International Law, nor have we understood the frame of mind of the rulers in European countries who wished to make certain that officers at least, drawn from the higher ranks of society, should be carefully looked after even when in prison. These particular rules are not a new creation of the Hague Conference. They go back many years to the days when war, like diplomacy, was carried on in a very formal and polite way—when an Austrian general for example, facing the enemy, politely signalled, "Fire first, gentlemen." Those days have passed since Bismarck's blood and iron policy become fashionable, but I have not heard anything of the rule in question being suspended. We of course, in Canada, so far as I am, have not among our prisoners any men who were, when captured, officers in active service in an organized corps.