by PHILIP NOEL-BAKER, M.P. our's Case:

FRANCO BOMBS BRITISH SEAMEN:

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FRANCO BOMBS BRITISH SEAMEN

In the House of Commons on June 21st, 1938, Mr. P. J. Noel-Baker stated Labour's case against the Government's Foreign Policy, with particular reference to "Non-Intervention" in Spain and the bombing of British ships. Mr. Noel-Baker said:

E have asked for this debate in order to raise the question of the aggressions now going on in various parts of the world in violation of the Covenant and the Kellogg Pact, the question of the new illegal and barbarous methods by which these aggressions are being conducted, and the question of the relation of these events to the maintenance of the rule of law by which alone, as the Prime Minister once said, we can hope for a stable epoch of peace.

I must begin with China. The Japanese assault on China a year ago was a Covenant-breaking aggression quite as flagrant as that on Abyssinia. No one doubts that that is true. The unhappy Japanese people have still very many friends; the Japanese militarists have none. They have conducted their aggression by methods which are worthy of Attila the Hun. I will not dwell on the fearful massacres of non-combatants and of prisoners, of which some hon. Members have had ocular proof, nor on the sufferings of refugees, who have been driven literally by millions from their homes by the Japanese, nor on the treatment of the women and the civil population, nor on the suffering of the Chinese wounded who, for want of transport and Red Cross material, often have to be carried for days on end on the backs of coolies before their wounds can even be dressed.

To all this horror there has been added the systematic and merciless bombardment of the civil population from the air.

The Mayor of Canton the other day sent a telegram to the mayors of all the great towns of Europe and America giving a description of the bombardments which day by day have been launched against his town. Some British journalists have translated his general picture into more vivid pictures still. I read only one:

"Everywhere there are poignant scenes. Here a little girl tearing desperately with tiny hands at masonry under which her mother was killed; there boys giving a drink to their mothers also trapped; children searching in vain for parents; parents searching for their children; mangled bodies everywhere."

It is stories like that which have frightened and sickened the conscience of the world. What is more frightening still is that these methods are being adopted as a deliberate military policy to win the war.

An Appalling Prospect

That has been done in Spain. When Barcelona was bombarded on 16th, 17th and 18th March the insurgent aircraft dropped bombs saying that they would bomb the population every three hours until they surrendered—"Give in, or you will be destroyed." The Times of 8th June reported an official Japanese spokesman as saying that they were going on with the air bombardment in order to show the Chinese the futility of resistance and to end hostilities as speedily as possible.

But what is most frightening of all is that world opinion is becoming accustomed to these methods and that governments are doing nothing to bring them to an end.

In 1923 there was a conference of government jurists at The Hague. The British representative was Sir Cecil Hurst, now the President of the Permanent Court of International Justice. They drew up a code of rules for air warfare, in which they did not make new law. but in which they applied law which they all recognised to exist. They said:
"Aerial bombardment of the civil population is prohibited."

They went on to say, in an Article to which I draw special attention, because it relates to the point on which I wish to speak at greater length about the bombing of ships in Spain:

"The bombardment of cities, towns, villages, dwellings or buildings not in the immediate neighbourhood of the operations of land forces is prohibited."

That is to say, where there was not a land battle. They then defined "military objectives" and they added:

" In cases where the objectives specified are so situated that they cannot be bombarded without the indiscriminate bombardment of the civil population, the aircraft must abstain from bombardment."

These rules have not been ratified by governments, it is true, but there is no international lawyer in the world who has not said that they constitute the valid, binding law of air warfare at the present time. I could quote opinion after opinion—I have a volume of them here—from the leading British authorities, who urge that point.

Great Britain's Duty

The doctrine that "New weapons make new laws" was put forward by the Germans about submarines in the last War. It is an utterly pernicious doctrine. Our Government have always resisted and rejected it. We say that, faced with the present situation, it is the duty of Great Britain to-day to uphold international law and to take effective action to do so-action which will safeguard vital British interests, which will help to bring these aggressions to an end by the withdrawal of the invading forces, and which will promote the most vital of all British interests, namely, the revalorisation of international law by the restoration of the sanctity of the Covenant and the Kellogg Pact.

We believe that such action is urgently required. We believe it would have succeeded over China a year ago. Events have proved that Japan is not strong enough to challenge the world, that the Japanese people detest even this limited adventure on which they are now engaged, and we believe that if we had done no more than impose on the Japanese the boycott on exports which we imposed on Signor Mussolini, by that measure alone we could have dried up the resources with which the Japanese are buying the oil and minerals without which their campaign could not be continued.

We believe that firm action is needed still more to-day. We ought to treat this Japanese aggression as a Covenant-breaking war. We ought openly to help China in her magnificent resistance.

We wish that the Government would now propose to the League an embargo on Japanese imports. But, if they will not do that, we wish that at least they would give to China a guaranteed Government loan.

They are going to give a Government loan to Turkey, and for the first time in 20 years it is to be a loan for the purchase of arms. They are going to give that loan, if they get the sanction of this House, in order to serve British interests. But it is a gamble in power politics. Such gambles have gone wrong before; the money has been lost and the arms have been used against the nation which gave them. But if arms for Turkey will promote British interests, a Government loan for China will do so ten times more. We earnestly hope that our Government will take the lead in carrying such a loan through.

Bombing of British Ships

I pass now to another important aspect of the present cataclysmic disregard of international law, an aspect of supreme importance to this country both in peace and war, of supreme material importance and of supreme symbolical importance, because the action of the Government might well determine the future course of international affairs. I am referring to the recent bombing of British ships in Spanish waters.

I want to begin with a summary of the facts. Half the merchant shipping of the world still flies the British flag. For many years a great part of the seaborne trade of Spain has been carried in British ships, to our great advantage. During the last 12 months 140 British ships have been engaged in that trade with the Government ports on the East Coast of Spain. Since the beginning of the civil war there has been almost continual interference with British ships. The first episode was in August, 1936, when a Spanish Government cruiser, "Miguel Cervantes," searched a British vessel which it believed to be engaged on un-neutral service on the Rebel side.

The British Government took action and checked that interference, and I believe that since then no attempts have been made by the Spanish Government in any way to interfere with British ships.

The same cannot be said for General Franco. The House will remember all too well the lamentable episode of Bilbao and Santander and Gijon a year ago. They will remember the capture of 10 British ships and their detention for a period of months. Hon. Members may perhaps have forgotten that the Government could only tell us that five of those 10 ships were quite certainly captured in territorial waters, leaving us not unjustifiably to infer that the other five were captured on the high seas.

While this was going on in the north of Spain we had the pre-Nyon piracy in the south. On 30th October the first sinking of a British ship by an aeroplane was reported. By the end of 1937 two ships had been sunk, three had been badly damaged—all these on the high seas—and all, so the Government said, by "action taken by the Salamanca authorities." In addition, another vessel had been injured by a mine, another had been slightly damaged and 21 ships had been attacked without damage being done.

Franco Encouraged

That was the record for 1937. General Franco and his allies naturally drew the conclusion that everything was permitted, and the tempo quickened. On 31st January the steamship "Endymion" was sunk by a torpedo and 10 lives were lost. On 4th February the "Alcira" shared this fate, this time bombed on the high seas by two aircraft. From now on the attacks became more numerous on the high seas, in ports, and on ships in territorial waters, a mile or two miles or more off the shore. The Government told us that by 28th March four ships had been sunk, 10 captured and detained, 12 seriously damaged, and that there had been on British ships 20 other attacks which had missed their mark.

In the 12 weeks which have passed since the Under-Secretary for Foreign Affairs gave us that information, these numbers have been more than doubled.

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From 25th May to 21st June, five British merchantmen, a British dredger and a British schooner have been sunk. From 25th April to 21st June, 16 others have been seriously damaged and more have been slightly damaged, including seven in the last week. One has been attacked on the high seas without success. In addition, the British port of Gandia has been attacked, though it was exclusively British property, used only for British trade, a port at which British destroyers and cruisers were in the habit of calling and where everything was marked with British colours which, according to the *Times*,

Most of these attacks have been made without adequate warning to the ships' crews. In consequence there have been 21 people killed on British ships and over 30 have been wounded. In addition, two non-intervention officers have been killed, and in the last attacks the aircraft not only bombed these vessels, but came down and machine-gunned their crews on the decks.

That many of these attacks have been deliberately made is evident. You cannot hit a ship from an aeroplane unless you fly pretty low; and, if you fly low, you cannot fail to see Union Jacks displayed all over the ship. In fact there is ample evidence that these aircraft did come very low. The "Alcira" was sunk by an aeroplane which circled three times round her at a height of 100 feet. The "Brisbane" was sunk by a plane which came so low that it nearly hit the mast. The "Maryad" was set on fire in Alicante. On the day before she had been warned by an angry Franco agent in another port that this was to be her last voyage.

"Deliberate and Systematic"

In another case the ship was reconnoitred with a searchlight on the night before, and at dawn an aeroplane came down and sank her. The "Greatend," says the *Times* was "singled out as a target no fewer than four times in three weeks." The harbour at Gandia was attacked, and the schooner and dredger sunk, by aeroplanes from 300 feet—about the height of the cliffs of Dover. The Under-Secretary told us on 3rd June that he was sure that five of these attacks had been deliberate.

I know one firm whose Masters have told them of at least a dozen attacks which have been deliberately made on that firm's ships alone, and the owners collectively say that more than 40 of these attacks on ships can be proved to have been deliberate. The *Times* Diplomatic Correspondent supported that view when he said that the whole campaign was "deliberate and systematic."

Let me summarise these facts. Of 140 vessels engaged in the Spanish trade in the last 12 months, 10 have been sunk, together with two smaller units; 10 have been captured and detained; 28 have been damaged more or less seriously, some of them being almost total losses; and a larger number have been slightly damaged. The number actually hit cannot be less than 50, and, in addition, a large number have been attacked without success. Nearly 60 people have been killed and wounded. Everyone of these attacks has been carried out by Franco's forces, and there is overwhelming proof that a great number of them were deliberately made.

The Vital Question

Reviewing these facts, the diplomatic correspondent of the Times said, on 9th June, that it was evident that Franco and his foreign allies had a fixed determination to use bombers "as means of smashing their way to victory." I ask the House: What does it mean, if Franco and his German and Italian allies are to be allowed to smash their way to victory against the Spanish people by bombing British ships? It means that, having failed to win in the field, having failed to establish a blockade at sea, having no belligerent right even to try to establish a blockade at sea, they are trying to effect a blockade and to cut off all trade with the outside world by the use of bombing aircraft.

And the vital question for us is this: Are we to admit the validity of a blockade by bombing aircraft? Are we to accept the methods by which it is at present being established?

I know that some hon. Members think with great sincerity that British ships ought to stay out of these waters altogether; that the owners send them and the masters take them because of the high profits to be made; that many of them are British in name only; that they exploit the protection of the British flag and that it is contrary to our national interest that these ships should go there. They argue, these hon. Members, that if the ships insist on going there, they should be left to their fate. And many people outside the House believe—I hope no one here believes it—that these ships are engaged in carrying contraband and war material to the Spanish Government forces.

Truth About the Ships

May I examine that view as fairly as I can? To begin with, these ships have not only the right to fly the British flag, but we have been told by the Government themselves that it is a great advantage to us that they should do so. In fact only 27 of them have acquired British nationality since the civil war began, leaving 113 which were British before that date. And suppose that the number were much greater than 27. The Secretary of the Department of Overseas Trade told us on 3rd June that these ships took our flag because our law allowed them to do so, and that that law worked to our advantage. He said the whole of our history had shown

"the enormous advantage to this country of having a large mercantile navy which in time of trouble and national emergency could be requisitioned under our control, rather than under the control of some other country."

He went on to say that he hoped

"no change would be made in the policy which had been ours for centuries, and under which our mercantile navy had grown to its present proportions."

He virtually dismissed the suggestion that the crews of the ships were not British. In the second place, this trade is of manifest advantage to our country.

Next, I say it is a gross libel on British seamen and their captains to suggest that they are moved by greed for money. General Franco is not only trying to blockade Government ports by the use of aircraft. He is trying to do it by corrupting the masters and crews of neutral ships as well.

Franco's Methods Exposed

May I read to the House a human document? This is a letter from the master of a British ship. I omit names, but I have a photostat of the original, which I will give to the Prime Minister when I have finished. When this captain was at a port at one end of the Mediterranean he was approached by a diplomat belonging to Franco's organisation, who proposed to him that he should put his ship at their disposal for capture. The captain goes on to say:

"He offered me 13s. per ton for the cargo, to be paid into any bank I might name. This man knew all the Nyon routes; guessed closely our average speed and pointed out a position six miles south of (a certain island) and guaranteed to have a vessel there to order me into port. All I had to do was to telegraph the day and time of sailing (to a certain address in Rome) and everything would be attended to."

I think that disposes of the theory that these men are moved by greed of gold. If British crews were after easy money they could get it by taking Franco's bribes to give up their trade; but they have refused to do so. And I think the same is true of the owners. They may have high profits; but they are taking tremendous risks. They lost £330,000 worth of ships in a single week. Many of them have gone out of the business, not because they wanted to, but because they were faced with ruin if they continued.

Legitimate Trade

It is no less ludicrous to suggest that these vessels are doing a trade in contraband. The Times Diplomatic Correspondent told us the other day that they were "supervised" and "controlled" at every point; and the case of the "Stancroft" at Gibraltar has proved beyond a peradventure that no such trade in contraband is going on. It was shown in that case that only 0.3 per cent. of the cargo was even suspect and even that was released by the Court.

What is the trade in which these ships are engaged? I will read part of a telegram from the Under-Secretary for Agriculture in the Spanish Government to Mr. Attlee, the Leader of the Opposition.

of a telegram from the Under-Secretary in the Opposition nish Government to Mr. Attlee, the Leader of the Opposition "I manifest you by my honour that English steamer Thorpehave attacked with bombs in the night of 7th and 8th transported 5,000 tons of corn which this Ministry has to distribute between the rationed civil Spanish people."



In fact there was no need for the Under-Secretary to make his adventure with the English language; it is obvious that these ships are engaged in taking food and other vital supplies to the Spanish people. Hon. Members who have raised this point are ardent supporters of non-intervention, but what is the meaning of non-intervention? Why are there observers on these ships? Because they control what is done; their very presence is a guarantee that there is no contraband; it is a guarantee that these ships are engaged in a trade of which Parliament has deliberately approved.

Thus the real issue is narrowed down to the question: Are these attacks legitimate in international law? I am not going to weary the House by a long argument about it.

It is plain beyond all doubt that this trade is legitimate; that we ought not to recognise General Franco's blockade; and that the methods which he is using constitute a dangerous attack upon British rights which involve a vital British national interest.

I do not propose to dilate upon the true character of the war in Spain—a war of aggression, in which we ought to be supporting the Spanish Government against the invaders, under the Covenant of the League. I set that altogether aside for the present purpose. I accept the Government's hypothesis and consider only the old rules of international law. The Diplomatic Correspondent of the *Times*, who evidently consulted high authority before he wrote, said, on 10th June, that:

" deliberate attacks on merchant ships break every canon of international law."

A War Crime

We protested violently when Germany tried to blockade this country by a submarine campaign conducted in violation of the established rules. The United States came into the War to uphold those rules. At Nyon those rules were applied to aircraft, and it was specifically laid down that if aircraft broke them, then the protecting warships should fire on those aircraft.

Some people, including, I believe, hon. Members of this House, have argued that these rules may be all very well, but that they cease to operate in territorial waters. Why? The rules are rules for submarines applied to aircraft. There is no limit in the case of submarines to the high seas.

It is, indeed, quite plain that to attack ships in territorial waters by aircraft and to sink them without making provision for the crews, is to commit a war crime.

Any other view makes absolute nonsense of the whole international law of contraband and blockade, by which we, as a country have always stood. This law is really vital to our national interests. The bombing in Spain is what the *Times* diplomatic correspondent has called it, "pre-Nyon piracy." And, finally, I have a question and answer which I could read to the House, but it would take too long, because it occupies a whole page, in which the Admiralty themselves accept that view.

What does it all mean? It means that if the Government now accept the air bombardment of Barcelona, Valencia, and Alicante, without effective action to prevent it, they will be allowing three new practices, all contrary to international law and all very dangerous to Great Britain if another war should come.

The three new practices are these: the direct bombardment of the civil population, the indiscriminate bombardment of commercial ports which are not blockaded and which are distant from the battle front, and thirdly, and perhaps most important, the direct attack on neutral ships engaged in non-contraband trade. I hope hon. Members will remember how much we depended on neutral ships in the last Great War.

The "Colonel Blimp" Spirit

When the *Times* Diplomatic Correspondent called this "pre-Nyon piracy," he went on to say that it "required pre-Nyon methods of countering it." The Prime Minister tells us there is nothing he can do except to protest and enter claims. It seems to us that he approaches the problem in the spirit of Colonel Blimp in last Saturday's *Topical Budget*:

"Gad, Sir, it is high time we warned Franco that if he sinks another 100 British ships, we shall retire from the Mediterranean altogether."

I want to ask the Prime Minister: What would he have said if these attacks had been made by Spanish Government aircraft, piloted by pilots from the Soviet Union?

I mentioned an occasion on which a Spanish Government cruiser stopped a British ship, which had the good old English name of "Gibel Zerjon." I have the most serious reasons for thinking that that ship was carrying munitions to Franco's troops at Melilla. When this happened the Daily Telegraph carried a despatch from Sir Percival Phillips, in which he stated that when this news reached Gibraltar the battle cruiser "Repulse" started at once to hoot her siren to call in her officers, who were at lunch all over the Rock; within an hour she was at sea, her decks cleared, and with her crew at gun stations she steamed at full speed to the spot. Sir Percival went on to say:

"The cruiser His Majesty's Ship 'Codrington' also left this morning." I am informed that her commander has been given instructions to fire, if he is obstructed."

It was not quite like that at Bilbao and Santander. It was not quite like that this spring. After the "Stanwell" had been attacked by bombs which were dropped from so low that two of them were

successfully aimed through her open hatches, and three British seamen were killed, after that had happened, the Prime Minister said in this House:

"If we find that it is a deliberate attack, the authorities responsible will be informed that full compensation will be claimed."

Significant Contrast

I am bound to say that, for the present purpose, I should prefer the spirit of the Chancellor of the Exchequer in the matter of the Metro-Vickers engineers. The House will remember how the Chancellor of the Exchequer painted a grim picture of the dangers which threatened those two engineers. In retrospect the perils do not seem so grave, in comparison with the death of 21 sailors and the wounding of many more; but faced with the threat to two of our compatriots, the Chancellor said this:

"I ask myself this question, and I ask it with great anxiety and put it to the Members in all parts of the House: What would you have the British Government do when they have this information about fellow subjects of their own who are in this peril? Would you have them do nothing? Would you have them conduct polite inquiries without taking any other steps?"

On that occasion the Government withdrew our Ambassador from Moscow, and they put an embargo on Russian trade. They can do the same to-day. They can withdraw Sir Robert Hodgson, and they can give the Duke of Alba his passport; and I believe that General Franco sets so high a price on our quasi-recognition that that step alone would very likely be enough to stop the attacks. They can also put an embargo on trade with Franco's Spain, and they can try to get other genuinely non-intervening Powers to do the same.

They will tell us, of course, that it would damage other British economic interests. £9,000,000 worth of British exports went from this country to Russia in the year before the embargo was put on, yet the Government were ready to risk a permanent diversion of that trade from this country. I am not arguing now that they were not right, but I do say that, if they were right then, they ought to do the same to-day in regard to Franco's Spain.

"Not Pleasant"

There is another action which the Government can take. Everybody knows that these attacks are being conducted by Italian aircraft. The Prime Minister has no more faithful supporter in the Press than "Scrutator" of the Sunday Times, and "Scrutator" said on Sunday last:

"It is not pleasant to think that the aeroplanes that sank the British ships may well have been supplied by Powers whose neutrality was never more than a fiction which is assumed or dropped at convenience."

Let the Prime Minister say to Signor Mussolini, who is so impatient to bring his Treaty into force: "This Treaty will never be brought into force unless these attacks are stopped, and stopped to-day," and I guarantee that the attacks will stop and that his Treaty will have brought about the only appearement which it is ever likely to produce.

There is another measure which the Government can take. General Franco has funds in this country, which the Government could impound to pay our owners a little compensation for the ships which have been lost. We impounded £60,000,000 worth of Russian gold, and I believe it is still impounded, awaiting the time when claims and debts will be settled. There is a precedent on which the Government can act.

There is another measure. General Franco has a commercial fleet of about 100 vessels, or rather more. They fly his flag. I am not sure that they were on the Spanish register before the civil war, and I am not sure that they have all got Spanish crews, but they supply General Franco with many things he needs. We could detain those vessels at Gibraltar, exactly as General Franco detained our 10 vessels in his ports a year ago.

Some of my naval and military friends suggest more active measures. They say that destroyers could be posted off the ports and that when attacks were made on British ships they could open fire on the aeroplanes that made them.

I have also had it suggested to me by naval officers—the Government could examine it on technical grounds—that we could post an aircraft carrier beyond the three-mile limit and that, when a raid was on it could keep a patrol in the air. The Prime Minister may have seen a letter in the Sunday Times of last Sunday, by Admiral Usborne, who, I believe, has generally been in favour of General Franco, in which he said that it would be quite easy to stop these attacks. All that we should have to do would be to tell

"the Burgos Government that for every British ship deliberately attacked from the air a Spanish nationalist warship would be taken or sunk, and attacks would cease immediately,"

because General Franco would never risk his warships.

I suggest one last measure. You can take anti-aircraft guns off the non-intervention list, and if you call that intervention, you can take them off the list for both sides. Let the Spaniards get the guns, and if you do not want to protect the Union Jack, they will do it for you.

These are all things that the Government can do. They are certain to be effective, and it is fantastic to call them intervention. But the Government do not want to do them; and I ask the question Why?

Why No Action was Taken

Let me read one or two extracts from the Rome correspondent of the *Times*. On 18th May the Rome correspondent said:

"Signor Mussolini, it is believed, has no intention of concluding an agreement with Paris that does not include a settlement of the Spanish problem, and will accept no settlement that does not recognise General Franco as master of the whole of Spain."

The Prime Minister wanted the Anglo-Italian Treaty so much, that it is as plain as day that he accepted the condition which the French refused. The next message is again from Rome, on 6th June, when British opinion was greatly agitated about the bombing of our ships:

"Generally speaking the Italian view"-

and in a totalitarian country there is no view but the Government view—

"is that General Franco has a good deal the better of his opponents in the air, thanks largely to the efficiency of the Italian pilots and machines which he has at his disposal. Any proposal which would tend to place restrictions on air bombing is apt to be regarded with suspicion."

The next message is two days later and is again from Rome:

"The Italian Government are anxious to see the war in Spain ended as quickly as possible and think that the Nationalist superiority in the air will help to this end. Any restrictions placed on bombing would therefore be deplored."

The next message is on 13th June from Rome, the day before the Prime Minister's statement last Tuesday:

"Italian political observers have now come, with considerable relief, to the conclusion that the British Government are not going to move in the matter. At first it was feared that the British Government would find means of putting pressure on General Franco to restrict the use of his air force in such a way as would lessen his chances of winning the war rapidly; but Mr. Chamberlain's decision not to give up his holiday, and Sir Thomas Inskip's remarks yesterday, are held to suggest that the Cabinet has not been able to devise any practical means of restraining General Franco without abandoning the principle of non-intervention."

A Lamentable Mistake

They were quite right, because next day the Prime Minister told us that nothing would be done. We have seen the joy with which his announcement was received in Berlin and Rome; and since he made his pronouncement seven ships have been bombed in seven days.

I ask the Government whether it is to bring a speedy end to the Spanish war by the victory of General Franco that we are allowing British ships to be bombed? If so, there never was a more lamentable mistake in British history.

The Spanish war will never be ended by the victory of the invader. It will only end when the invaders have first been withdrawn; and the only hope of securing the general withdrawal of foreign troops is to stand firm for international law.

Here we have an unparalleled example of an attack upon those rights. The vital interests of Great Britain, as a neutral and as a belligerent, are at stake.

If you continue to retreat before the aggressor the world will say, as it is saying now, that there is no surrender to blackmail which you will not make. Stand firm and the horizon may clear more quickly than you think.

If we look back over the years during which retreats before aggression have brought us ever nearer to war, three events stand out like beacon lights against the black clouds of gathering storm. They are Morocco in December, 1936; Nyon in August, 1937; and Czechoslovakia in May, 1938.

If we now save the British ships, as we so easily can, perhaps the historians will say that it was to-day that we took the turning which led us at last to the road which brought us peace founded on the rule of law.

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