

legal advice, and come to the conclusion that it is worth while taking the risk of a prosecution under section 188, I.P.C., and if one comes to look at the difficulties of proof, and the advertisement to be gained it probably is. The best course now is to watch his movements until orders from Government are received.

Yours sincerely,
L.F. MORSHEAD.

[No. 23.]

*Letter, dated Motihari, 17 April, 1917, from M.K. Gandhi, to the District Magistrate, Champaran.*¹

SIR,

As I have no desire to do anything without the knowledge of the authorities, I beg to inform you (assuming there is no service of summons for appearance before the court tomorrow), I am going to Shampur and the surrounding villages to-morrow morning. The party hopes to start about 3 A.M.

I observed yesterday that a police officer followed the party all the way. I may state that we court the fullest publicity and therefore beg on my own behalf and that of my colleagues to say that we shall welcome the presence, if we may not have the assistance of the police in the course of our mission.

I have the honour to be,

SIR,

Your obedient servant,
M.K. GANDHI.

[No. 24.]

*Letter, dated Motihari, 17 April, 1917, from District Magistrate, Champaran, to M.K. Gandhi.*²

SIR,

In reply to your letter of 17th April, 1917, I beg to inform you that it is intended to issue a summons for your appearance to-morrow under section 188, Indian Penal Code. I hope under the circumstances that you will remain in Motihari to-morrow and answer the summons.

Yours sincerely,
W.B. HEYCOCK.

¹ Political (Special) Department, file No. 1571 of 1917.

² *Ibid.*

[No. 25.]

*Letter, dated Motihari, 17 April 1917, from M.K. Gandhi, to the District Magistrate, Champaran.*¹

SIR,

In reply to your note of even date I beg to state that I shall gladly remain in Motihari tomorrow and await summons.

I have the honour to be,

SIR,

Your most obedient servant,
M.K. GANDHI.

[No. 26.]

*Letter No. 261 P.M., dated Muzaffarpur, 17/18 April, 1917, from L.F. Morshead, Commissioner, Tirhut Division, to Chief Secretary to Government of Bihar and Orissa.*²

....I have the honour to enclose a note ³ from Mr. Heycock, the District Magistrate of Champaran, with regard to Mr. Gandhi's proceedings at Motihari.... Upon being served with a notice under section 144, Criminal Procedure Code, he announced his intention of disregarding it. I have directed the District Magistrate not to take proceedings under section 188, Indian Penal Code, because it might be difficult to establish a case under this section, whilst a prosecution would give Mr. Gandhi an advertisement which it would doubtless suit his purpose to obtain. His ill advised choice of a locality where feeling is already inflamed in which to commence his enquiry, coupled with his omission to consult the District Magistrate before going, and his refusal to comply with the order under section 144, Criminal Procedure Code, confirm the view which I have already submitted, ⁴ that it is quite unsafe to leave him free to follow his own devices. Taking all his proceedings together it is quite plain that it has been his intention throughout to force his enquiry without regard to administrative considerations. I have the honour accordingly to suggest that the orders of Government may be communicated at the earliest possible moment, and, in the interval, am requesting the District Magistrate to have Mr. Gandhi's movements watched.

¹ *Ibid.*

² *Ibid.*

³ *Vide* No. 20 ante.

⁴ *Vide* No. 22 ante.