

I fully appreciate their difficulty and I admit too that they can only proceed upon information they receive. As a law-abiding citizen my first instinct would be, as it was, to obey the order served upon me. But I could not do so without doing violence to my sense of duty to those for whom I have come. I feel that I could just now serve them only by remaining in their midst. I could not therefore voluntarily retire. Amid this conflict of duty I could only throw the responsibility of removing me from them on the administration.

I am fully conscious of the fact that a person holding in the public life of India a position such as I do, has to be most careful in setting examples. It is my firm belief that in the complex constitution under which we are living, the only safe and honourable course for a self-respecting man is, in the circumstances such as face me, to do what I have decided to do, that is, to submit without protest to the penalty of disobedience. I have ventured to make this statement not in any way in extenuation of the penalty to be awarded against me but to show that I have disregarded the order served upon me not for want of respect for lawful authority but in obedience to the higher law of our being—the voice of conscience.

M.K. GANDHI.

[No. 28A.]

Letter, dated Motihari, 18 April¹, 1917, from W.B. Heycock, District Magistrate, Champaran to L.F. Morshead, Commissioner, Tirhut Division.¹

My dear Morshead,

Mr. Gandhi has pleaded guilty under section 188, I.P.C. He of course still refuses to leave the district unless he is compelled. This can only be done under the Defence of India Act.

I asked him to come and see me and we had an interview at which Marsham and the G. Pleader were present. I asked him to remain quietly in Motihari until Government orders are received and see in Motihari whom he will. He has promised to remain until Saturday at Motihari on these terms and see me again on that day at 7 A.M.

I have in the meantime told him I will do my best to obtain Government orders before them.

Yours sincerely,
W.B. HEYCOCK.

¹ Tirhut Commissioner's Confidential file of 1917 (Mr. Gandhi's Enquiry I).

P. S.

The S.D.O. is postponing orders on the 188, I.P.C. case until Saturday. I told the G. P. to ask for a nominal sentence but Mr. Gandhi has said that he will go to jail rather than pay a fine of even one anna—so on the whole I thought it better to move the Court to postpone deliveries of order until Saturday.

[No. 29.]

*Extract from the Indian News Agency Telegram, dated 18 April, 1917.*¹

News received from Motihari this evening states Mr. Gandhi appeared before Magistrate to-day to answer charge of disobeying notice under section 144, Criminal Procedure Code. Mr. Gandhi pleaded guilty and Magistrate postponed passing orders. Mr. Gandhi has agreed not to go to villages until Saturday pending Government orders.

[No. 30.]

*Telegram No. 40 C.T., dated Puri, 18 April, 1917, from Lt. Governor of Bihar to District Magistrate, Motihari.*²

Please wire whether press report is correct that action taken against Mr. Gandhi under section 144 and, if so, send full report immediately with copy to Commissioner.

[No. 31.]

*Letter No. 69-C., dated Motihari, 18 April, 1917, from W.B. Heycock, District Officer of Champaran, to Chief Secretary to Government of Bihar and Orissa, Puri.*³

As directed in your telegram of today's date ⁴, I have the honour to submit the following report with reference to the notice under section 144, Criminal Procedure Code, which has been issued by the District Magistrate against Mr. Gandhi.

On the 16th of April I was informed by the Deputy Superintendent of Police that Mr. Gandhi had arrived at Motihari by the

¹ Political (Special) Department file no. 1571 of 1917 (this Telegram was received by the Lt. Governor at Puri.)

² *Ibid* A copy of this was sent to Commissioner, Muzaffarpur.

³ Political (Special) Department, file no. 1571 of 1917.

⁴ Vide No. 30 ante.