Dear Sir

I have this evening examined the affidavits of the newspaper publishers sent me by Mr. Swift and I find that two out of the four have failed to comply with law. The New Bedford and Plymouth publishers certify to having given the petition three insertions when they should have given it four. I think I may be able to overcome that difficulty, though I am sorry to find such an informality at the start. Possibly the Com. may not detect it. I shall not hand in the papers with the petition.

In regard to the nature of the testimony needed I hardly know, as I intimated this morning what it may be necessary to show.

Were I a member of the Com. I should propound some questions like the following:

- What is the value (present and prospective) of the Menhaden fishery? That is what is the value of the oil? and what is the value of the carcasses?
- Would the taking of these fish in purse nets materially disturb any other fishery?
- At what seasons of the year are they found in our Bays and Rivers? and what other kinds of fish are found there at the same time? and what is the value of these other kinds of fish?
- How many men may be or are employed in seining the Menhaden?
- How many may be, or are employed in catching other kinds of fish in the same waters during the season of the Menhaden fishery?
- Since the enactment of these prohibitory laws has there been an increase in the numbers, and the value of the other fisheries?

There I think are some of the main points, and if you are able to satisfy the Com. on them, I think you will have made out a case.

There is the question of the policy of having any prohibitory laws relating to the fisheries? this however is not so much a matter of evidence as of judgement.

As I intimated in my note this morning, I know nothing of what position the opposition will take. Consequently cannot foresee what may be needed in evidence. As the case progresses and they make a point, or points, and you need evidence to rebut them, you can have an adjournment, if necessary, and have your evidence summoned.

I anticipate the most formidable opposition will come from parties, who want to go sporting and dont care a fig for the public or private interest if so be they can get a “glorious nibble.”

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34 The issue is that there are prohibitory laws on the books on using purse seining to catch menhaden. Prince Crowell wants them lifted so that he can pursue using the fish oil together with the imported guano to make a fish-meal fertilizer. Menhaden, also called pogies, and a very oily fish of the herring family, which travel in enormous schools and are easily caught in purse seines.
In regard to the time for the hearing, if you will name a time, after say one week from this time, and give the committee at least one week’s notice, so that they may notify the parties in interest, I presume you can have it at your own time.

If you write me when you wish it to come off, I will arrange with the Committee and notify you.

Respectfully Yrs
M. S. Underwood

P.S. There will be needed a five cent revenue stamp upon the Justice certificate of Mr Sears affidavit, and I am not Certain but one is required upon each of his affidavits

Yours M.S.U.