

So. Dennis Nov 20 1879

Dear Sir

I met Mr. Harriman upon the train last evening. He thinks of the statement of Capt. McKesson with reference to the collision of his vessel with the steamer is correct then the suit should be defended. He thinks it may have been a mistake that Capt. N. changed his course at all, but if he can show that the collision was inevitable, - made so by the conduct of the steamer, - and that in changing his course, it was in the interest of humanity (that is to try and save life) and at the same time save property by rendering the collision less severe, then this fact he thinks would not prejudice his case. He thinks also it would be a legitimate expenditure of the funds of the Bank in the defence of its securities.

I called this morning at the Insurance Office in Wellfleet and find the Schooner is not insured against loss of this character (by Collision). The President and Secretary of the Ins. Co. both strongly recommend that the parties in interest obtain the opinion of John C. Lodge of Boston a noted lawyer versed in questions of this kind. It seems to me it might be a judicious plan to send Capt. Baker to Baltimore. He is quite conversant with such cases. Let him take the advice of Mr. Dodge if thought best. The expense to be paid by the owners, and the two Banks. The above is the extent of my investigation. M. S. Underwood.  
do as you think best about calling a meeting of the committee

[1879-11-20; letter from Marshall S. Underwood to Prince S. Crowell:]  
So. Dennis Nov 20 1879

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I met Mr Harriman upon the train last evening. He thinks if the Statement of Capt Nickerson with reference to the Collision of his Vessel with the Steamer is Correct then the Suit should be defended. He thinks it may have been a mistake that Capt N. changed his Course at all, but if he can show that the Collision was inevitable, – made so by the conduct of the Steamer, – and that in Changing his Course, it was in the interest of humanity (that is to try and save life) and at the same time save property by rendering the Collision less severe, then the fact he thinks would not prejudice his Case. He thinks also it would be a legitimate expenditure of the funds of the Bank in the defence of its securities.

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M. S. Underwood.



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