

F. Murray Benson, Esq., City Solicitor (cont'd)

of the case and the reasons why such compromise or settlement is deemed to be for the best interest of the infant. This section shall apply to suits brought by the State of Maryland for the use of infants as equitable plaintiffs, as well as to suits brought by infants as plaintiffs by their 'next friend'. See Clark vs. Southern Can Company, 116 Md. 92, which decided that, 'under this section the next friend of an infant has authority to compromise and settle a suit'".

Unless, therefore, the insurance company requires an amicable suit to be instituted in the name of the mother of this boy, it seems to me that the release should be signed by the mother of the boy alone or jointly with the Department of Public Welfare. While it is true that the insurance company is the party to be satisfied as to the release which the insurance company may request, nevertheless since the mother is entitled to the earnings and services of her infant children, the Department of Public Welfare should require that the mother join in the release.

If there is any other information you may desire, kindly advise.

Very truly yours,

(signed) M. HENRY GOLDSTONE

Assistant City Solicitor

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