

which they obtained the decree, having been *ex parte*, and she having had no notice of it until recently.

Mrs. Cronise charges not only that she was a minor at the time she executed the mortgage, but that she has never, at any time since, ratified and confirmed, or acknowledged the validity thereof. With respect to the averment of the minority of the complainant, at the date of the execution of the mortgage, the answer neither admits nor denies it, and puts her to the proof; but they say she has, since she attained full age, sanctioned and confirmed it. The answer does not show how or in what manner she did so sanction and confirm it, and there is nothing upon the face of the instrument to enlighten us upon the subject.

It appears by the mortgage itself that it was given to secure to the mortgagees a debt due them from William H. V. Cronise & Co., of which firm the husband of the complainant was a member, and therefore, it is insisted that it belongs to that class of contracts made by an infant which are considered *void* and incapable of confirmation.

The averment of infancy at the time of executing the mortgage is not denied, and although it is not admitted and proof called for, it must, for the purpose of this motion, be taken to be true, the rule being that on a motion to dissolve on bill and answer, so much of the bill as is not denied by the answer is taken for true, and it becomes, therefore, a question, assuming that so much of the answer as speaks of a confirmation of the deed is responsive, and that the form of the confirmation need not be shown, (a position which may, perhaps, well be doubted,) whether a deed of this description, executed by a minor, for the purpose of securing a debt due by another, is not absolutely void, and if void, incapable of confirmation.

In the case of *Fridge vs. The State*, use of *Kirk*, 3 G. & J., 103, the Court of Appeals decided that a release to her guardian, given by a female ward between the ages of sixteen and twenty-one years was void, upon the ground that such instruments are, in their nature and tendency, to the prejudice of infants, and opposed to sound policy. The court, in the