

The debtor, on the other hand, is prohibited by the Act of Assembly in question from paying a certain amount of money periodically to a person engaged in the budget planning business, who shall, for a consideration, 'distribute the same among certain specified creditors in accordance with a plan agreed upon.' We see no sound reason for thus discriminating against the debtor. Counsel for the defendant in his brief says that research fails to disclose a similar statute in any other state in the Union, that it appears this statute is unique and original in its prohibition. * * *

In *Adams v. Tanner*, 244 U.S. 590, 37 S. Ct. 662, 61 L.Ed. 1336, a state statute making it a misdemeanor to engage in the employment agency business for a fee was held unconstitutional because it was in violation of the 14th Amendment to the Constitution of the United States of America. The Supreme Court of the United States held that the business was not inherently immoral or dangerous to the public welfare and therefore should not be prohibited, although it could be regulated. That Court, 244 U.S. at page 593, 37 S.Ct. at page 663, said: "The statute is one of prohibition, not regulation. * * *

"We have held employment agencies are subject to police regulation and control. 'The general nature of the business is such that, unless regulated, many persons may be exposed to misfortunes against which the legislature can properly protect them.' *Brazee v. People of State of Michigan*, 241 U.S. 340, 343, 36 S.Ct. 561, 60 L.Ed. 1034, 1036. But we think it plain that there is nothing inherently immoral or dangerous to public welfare in acting as paid representative of another to find a position in which he can earn an honest living. On the contrary, such service is useful, commendable, and in great demand. In *Spokane v. Macho*, 51 Wash. 322, 324, 98 P. 755, 21 L.R.A.,N.S., 263, the supreme

court of Washington said: 'It cannot be denied that the business of the employment agent is a legitimate business; as much so as is that of the banker, broker, or merchant; and under the methods prevailing in the modern business world it may be said to be a necessary adjunct in the prosecution of business enterprises.'"

Orders affirmed.

HIRT and GUNTHER, JJ., absent.

though the collection agency could represent a creditor and charge a reasonable fee for such services, it could not repre-