

It is obvious, therefore, that the local council of defense in failing to comply with the orders of the State Council of Defense, is also violating the orders of the Third Service Command of the United States Army, and the violation is made greater by its directing others to disobey these orders. The local council is, by directing others to disobey the orders, placing all those who fail to comply with them in a position for prosecution by the State Council of Defense and the United States Army. You would therefore have, not only the remedies above outlined, but may also refer the matter to the Third Service Command of the United States Army for appropriate action under Federal law.

Your third question reads as follows:

3. May any citizen bring an action before a magistrate for violation of the Air Raid Precautions Act by orders of a Council and can its officers be prosecuted?

Under the sections of the respective acts above quoted, any citizen may bring an action before a justice of the peace, alderman or magistrate for violation of the Air Raid Precautions Act.

We are therefore of the opinion that: 1. Request should be made to the executive authority of the political subdivision appointing the local council of defense to dismiss those responsible for the refusal and appoint others who will comply with said rules and regulations. 2. You may ask the courts for a writ of mandamus to compel the members of the local council of defense to comply with the rules and regulations of the State Council of Defense; or you may refer the matter to the Third Service Command of the United States Army for appropriate action under the Federal law. 3. Any citizen may bring an action before a justice of the peace, alderman or magistrate for a violation of the Air Raid Precautions Act.

Very truly yours,

DEPARTMENT OF JUSTICE,

JAMES H. DUFF,  
*Attorney General.*

HARRINGTON ADAMS,  
*Deputy Attorney General.*

---

OPINION No. 487

*Pawnbrokers—Regulation of business—Pawnbrokers' License Act of 1937—Applicability to warehouseman lending money on goods stored—Sufficiency of title—Constitution, art. III, sec. 3.*

1. The Pawnbrokers' License Act of April 6, 1937, P. L. 200, governs the business of any person who lends money upon the security of tangible personal property,

without regard to the fact that he may also be engaged in another business not within the purview of the act, and is applicable to a warehouseman who makes loans upon goods, wares, or merchandise pledged, stored, or deposited as collateral security.

2. The title of the Pawnbrokers' License Act of 1937 gives full and complete notice to all persons engaged in the business of lending money on the security of personal property that they are subject to the provisions of the act, and is not subject to objection under article III, section 3, of the Constitution of Pennsylvania.

Harrisburg, Pa., February 25, 1944.

Honorable William C. Freeman, Secretary of Banking, Harrisburg, Pennsylvania.

Sir: You have inquired whether a person who does business as a storage warehouseman and who also lends money upon goods, wares, or merchandise pledged, stored or deposited as collateral security is bound by the provisions of the Act of April 6, 1937, P. L. 200, 63 P. S. § 281.1, known as the "Pawnbrokers' License Act."

The warehouseman in question admits that his activities come within the definition above set forth but contends that the title to the act is defective as to him because reference in the title is only to "the business of pawnbrokers" while he is a warehouseman who only incidentally happens to be lending money upon the security of pledged personal property.

His contention is that the act is unconstitutional as to warehousemen because it violates Section 3 of Article III of the State Constitution, which provides:

No bill, except general appropriation bills, shall be passed containing more than one subject, which shall be clearly expressed in its title.

The title of the Act of April 6, 1937, reads as follows :

An Act licensing and regulating the business of pawnbrokers; providing for the issuance of licenses by the Secretary of Banking; authorizing the Secretary of Banking to make examinations and issue regulations; limiting the interest and charges on loans; and prescribing penalties for the violation of this act.

Section 2 of the act, defining the word "pawnbroker," reads, in part, as follows:

"Pawnbroker" includes any person, who \* \* \* (3) does business as a storage warehouseman and lends money upon goods, wares or merchandise pledged, stored or deposited as collateral security.

What the warehouseman in question fails to realize is that the act purports to regulate the business of persons who lend money upon the

security of certain personal property irrespective of what other incidental business they may be in. The thing regulated is the lending of money. The fact that the lender of money on the security of personal property also happens to be a warehouseman is entirely immaterial. Such a lender could be a second-hand junk dealer whose business is to buy and sell junk and used cars but who also, in fact, is a pawnbroker because he loaned money on the security of second-hand junk, automobiles, etc.

Webster defines a pawnbroker as "one who loans money on the security of personal property pledged in his keep."

That is precisely the kind of business the Act of April 6, 1937, seeks to regulate. The fact that a person loaning money on such security happens, at the same time, to be engaged in another enterprise, is entirely beside the point. The business regulated is the lending of money on the security of pledged personal property; all persons so engaged are subject to the provisions of the act, whatever other business they happen to be in.

The title gives full and complete notice to all engaged in the business of loaning money on the security of personal property that they are subject to the provisions of the act, and is clearly constitutional on that point.

It is our opinion: 1. That warehousemen who loan money upon goods, wares, or merchandise pledged, stored, or deposited as collateral with them are pawnbrokers with respect to such loan transactions and that the title to the "Pawnbrokers' License Act," the Act of April 6, 1937, P. L. 200, 63 P. S., § 281.1, is not defective as to all persons engaging in such activity. 2. It follows that any such warehouseman who so loans money must become licensed under the above mentioned act and subject himself otherwise to the regulations thereof.

Very truly yours,

DEPARTMENT OF JUSTICE,

JAMES H. DUFF,  
*Attorney General.*

ORVILLE BROWN,  
*Deputy Attorney General.*

---

OPINION No. 488

*Elections—Spring primary—Nomination petitions—Congressional districts—Acts of May 8, 1943, P. L. 256; February 25, 1942, P. L. 7; June 27, 1931, P. L. 1416; June 3, 1937, P. L. 1333.*