

Ticket Scalping—The Constitutionality of the Law Doubtful—Albert Wilson, the brother of Sylvester Wilson, "the Camden ticket scalper," whose case attracted considerable attention some time ago, was put on trial before Judge Ludlow yesterday, charged with unlawfully selling railroad tickets. Mr. Ker, in opening the case, said that there is an act of Assembly prohibiting a man from selling railroad tickets, &c., unless he is an agent of the railroad and is authorized, under the seal of the company, to sell them. The act was designed to protect immigrants and innocent travelers, as they are often imposed upon by men who sell them tickets, or partly used tickets, which have run out of date. It would be shown that the defendant was engaged in the scalping business, and that the prosecution had been brought by the Pennsylvania Railroad Company in consequence of a number of complaints having been made against him.

It was testified that the defendant had an office partitioned off in a saloon in the vicinity of the Pennsylvania Railroad depot, and that the railroad company had procured a man to entrap him. The person purchased a passage to Pittsburg for \$9, \$1 less than the regular rate, in the shape of an employee's pass, which was marked "not transferable." The pass had originally been given to one of the employees of the corporation who had come from Altoona to this city, and was to return if he did not secure work here.

After the evidence for the prosecution had closed a question arose as to the constitutionality of the act by which the indictment had been framed.

The judge said that as the ticket had not been presented for redemption, but was resold, the defendant was undoubtedly guilty under the provisions of the act of Assembly, but whether the law was constitutional or not he was not prepared to say.

Counsel for the defense concluded to enter a demurrer to the evidence, and take the case away from the jury, in order to test the question of law by argument.

This demurrer to the evidence admits all that has been presented by the Commonwealth, but says substantially that even under those facts the accused is not guilty by reason of the unconstitutionality of the law. A demurrer to evidence is a very rare thing to be filed in a criminal case, as under it the court if it overruled the demurrer enters judgment and sentences the prisoner without further trial by a jury; whereas, when the demurrer is one of law merely, it is the practice if the demurrer is overruled to allow the accused to plead to the indictment, and go to trial before a jury upon the facts.

The maximum of punishment prescribed by the law under the act is a fine of \$500 and an imprisonment of one year or both. No time was fixed for argument upon the point of law raised.