

NO BETTING LAW TEST CASES

THREE BOOKMAKERS READY FOR ARREST WHICH DIDN'T COME.

Racetrack Lawyers Can't Make an Arrangement With Assistant District Attorney Elder—What Constitutes a Violation?—Small but Cheerful Crowd at Gravesend.

There is a temporary hitch in the plan to have the new anti-betting law tested by specially prepared cases to be tried before a Supreme Court Justice in Kings county. Three well known bookmakers were at the Gravesend track yesterday prepared to submit to arrest, but the arrests were not made.

It was said on good authority that there is a wide difference of opinion as to the proper method of procedure between the attorneys of the racetrack owners and Assistant District Attorney Robert H. Elder, and that it had been decided to await the return of District Attorney Clark of Kings county, who will sail from Europe to-day.

Mr. Elder, accompanied by Deputy Commissioners Baker and Hanson and Borough Inspector Flood, arrived at the racetrack about a o'clock. Mr. Elder proceeded to the betting ring, which was practically empty.

The Kings county District Attorney's office does not favor test cases prepared without its consent," he told the reporter. "I do not intend to be caught napping by consenting to cases that might be framed up wholly in the interests of the track. There are a number of cases pending now due to arrests made at this track which can be used as tests. They cover every point of the law in dispute and I am prepared to go ahead with them."

"Isn't it true that the new law makes the recording of a wager a misdemeanor and does not affect a man who makes a wager?" was asked.

"I believe it does," replied Mr. Elder. "Then why have men been arrested here simply for making wagers?"

"Those men were discharged by a Magistrate," was the reply, "and only those who accepted wagers were held."

"Did they record them?"

"That is for the police to say. Even if a record of such a bet is not made the passing of money is sufficient proof of guilt."

"Is it illegal for a man to say to another, 'If you lay a 1,000 to 1 on Melissa I'll bet you a million?'"

"That is legal as far as it goes," said Mr. Elder, "but a further move to consummate such a wager is a crime."

"What is meant by a further move?"

"Why, to go off in a corner or outside of the track and pay over the money."

"Wouldn't that require a thousand policemen on the race track, and to secure evidence to convict under such conditions?"

"I suppose it would. It has always been a difficult matter to enforce anti-gambling laws of all kinds and to secure evidence—laws against bucket shops, policy games, poolrooms, and other places where gambling is carried on, but I notice that most of them have been suppressed."

"Do you consider that the mere offer on the part of one man to make a bet on a horse with another, and the passing of money and no record of a wager is a violation of the present law?"

"It is if the bet is consummated as I said before."

"Then the whole question sits down to a matter of evidence?"

"That's just it, precisely."

"Is the displaying of odds on a programme a violation of the law?"

"It is, for that constitutes bookmaking, and bookmaking is simply a displaying of odds. A man who holds a sign to net wagers with odds on it will be arrested and prosecuted."

"Suppose a man announces a bookmaker on the race track, and a net wagers a hundred dollars on a horse, and the bookmaker displaying no odds and the wager to be settled the next day according to starting prices published in a newspaper, is that a violation of the law?"

"It is, because the man who takes the wager is making a book."

WERE ANNOUNCED AS SOON AS POSSIBLE

THAT THERE WAS NO DELAY IN POSTING THE JOCKEYS.

There was a meeting of the stewards of the Jockey Club at Gravesend last night. James R. Keene, F. K. Sturges, Andrew Miller, H. K. Knapp, F. R. Hitchcock, H. B. Duryea, and Lawyer Auerbach were present. After deliberating for some time, they announced that the stewards had nothing for publication.

The personal liberty movement which was inaugurated on Saturday by the formation of a personal liberty club in Senator Fuller's district has taken root. President George H. Smith of this club, who lives at 105 Kings highway, Brooklyn, sent the following to THE SUN last night:

"Any one who believes in personal liberty and is of age and has a vote can join, irrespective of political or religious opinions, for the purpose of opposing any broadminded candidate who has the same ideas. It's about time something was done to check reform. When a man becomes of age he is best just as he should be at liberty to do so. If a man is employed all the week and has no chance to visit places of amusement, why should he be denied the pleasures of the week-ends and holidays? Can any fairminded person show me where any harm can come from it? It should be no one's business but his own. All these of the same opinion and who wish to join this personal liberty club can send their names and addresses to me for enrollment. Buttons and by-laws will be ready in a few days. I am already a member of one who have yet to see their first horse race have joined this movement and have assured us that they have no sympathy with the legislation proposed. It is a matter of betting at the instance of Gov. Hughes. These members are particularly gratifying to the organizers of this club, as it was supposed that all the clubs of this kind were proved of the recent blow dealt at personal liberty by our Legislature."

The tradesmen and professional men at the head of the discussion yesterday at the organization of a personal liberty club.

HAGGIN TURNS TO CATTLE.

Noted Breeder Says He Will Sell All His Thoroughbreds at a Sacrifice.

LEXINGTON, Ky., June 15.—As a result of the anti-betting laws in New York James B. Haggin, proprietor of the Elmendorf stock farm here, has announced that he will sell out all his horse stock and turn his attention to breeding fine cattle. Haggin has at his farm here 800 stallions and mares which, he says, are worth \$1,000,000, or were until the passage of the bill. He has 150 yearlings worth \$1,000,000, and 100,000 head of stock, but now, he says, they will not bring \$150 each.

At the head of his stud is Watercross, for which he paid \$70,000 two years ago. He has several mares worth from \$10,000 to \$15,000 each.

The owners most vitally damaged by the new law are J. B. Haggin, who owned 7,000 acres of land; John E. Madden, 3,000 acres; James R. Keene, 800 acres; August Belmont, 200 acres; and Milton Young, 1,000 acres. Fully 5,000 men will be thrown out of employment here when value falls.

KENTUCKY'S POOLROOM LAW.

It Provides a Fine of \$1,000 to \$5,000 and Six Months in Jail—War on Bookmakers.

FRANKFORT, Ky., June 15.—The anti-poolroom bill passed by the Legislature this spring becomes effective at midnight, and many of the attorneys in this State argue that bookmaking is legalized on racetracks. By others and by the Racing Commission, which will be asked to interpret the law, it is held that the law passed for the protection of the breeders and racehorse owners and not the gamblers. So a war on the bookmakers will be inaugurated as they attempt to put books on in Kentucky again.

Under the provisions of the bill any telephone or telegraph company, or any person conducting a poolroom or working in a poolroom are liable to a fine of not less than \$1,000, nor more than \$5,000, and a month's imprisonment in jail.

The talk is that the Lexington Jockey Club will take off the mutual pools and put back the books, but if they do it will be a violation of the law and the sheriff and his deputies of Campbell county.

BUFFALO MEETING OFF.

Promoters Face a Heavy Loss Under New Law.

BUFFALO, June 15.—At a meeting of the stockholders of the Buffalo Racing Association at the Hotel Iroquois to-night the thoroughbred race meeting, scheduled to open on June 22 and last till July 25, was formally declared off without reservation of any kind. The Buffalo racing association, which was organized last year, had been financially in taking over the Kenilworth plant. The scheduled meeting under the new law would certainly mean a heavy financial loss to the promoters.

As soon as it became known that Buffalo would be the race, Walter C. Farmer, secretary for the Highland Park Jockey Club, announced that his club would advance the date of its meeting at Windsor, Ontario, to the third day of the race, which would be held on June 22, and on the concluding day the contestants would include the best horses of the National and a Halladay have already been entered for the race.

MADMAN ENTERS TWO HOMES.

Rummages Through Yenkens Houses but Steals Nothing.

YONKERS, June 15.—Peculiar circumstances connected with the visits of a stranger at several houses on lower Warburton avenue before daybreak this morning indicate that the prowler was a madman.

Mrs. Bertha Daubert, who lives at 90 Warburton avenue, was awakened at 3:30 o'clock by the noise of a man tramping upon the top of the tin covered veranda. Though the windows on the lower floor were open, the intruder had no means of getting into the veranda top. Then he sought to get through Mrs. Daubert's bedroom window. Mrs. Daubert screamed and the man hastily swung himself down a pole and ran away. Mrs. Daubert described him as a young man about five feet eight inches in height, of slim build and thin faced. He wore a hat. He started wildly. Mrs. Daubert called out for help. He was seen to enter the house of Dr. G. B. Balch's 138 Warburton avenue, where the lights were burning both down and up stairs. A man tramped down the stairs, and a woman came out, with the result, as far as outward appearances went, that there was no betting at all.

In spite of the police and the attitude of the police and the understanding that no betting was possible there were about 4,000 at the track when the first race was run. Of this number 1,700 paid the usual rate of admission to the stand and enclosure, while as many more put up \$1 each to get into the field. As the rain soon came down, in consequence of which the spectators were obliged to listen to the band and see the horses run over a track slopily with mud.

Not a single arrest was made all the afternoon. The crowd was in a good natured mood, observing the horses as they came out of the paddock for each race and noting the various events. Many of the big bookmakers were absent, but Sol Liechtenstein, Frank Tyler, Bill Cowan, Billy Connor, Moe Diabologian and other big layers spent the afternoon in the clubhouse, apparently doing no business.

There was further evidence that the bookmakers can now receive the desired information without serious trouble. The telegraph wires were removed from the track and the huge canvas screens which had been used for two years to obstruct the view of poolroom agents in neighboring houses were taken down. The scratches

NO TIME TO KILL HIMSELF. Accused Sugar Clerk From Mexico Meant To, He Says.

John Herzfeld, a clerk on the plantation of the Mexican National Sugar Refining Company at Petros, Mexico, was arrested here yesterday charged with stealing \$3,500 from the company on June 3 on the complaint of Albert Lawrence of 53 Broadway, manager of the company's local office. Detective Arifen found Herzfeld at Forty-eighth street and Seven Avenue.

Herzfeld reached here from Mexico on Sunday and word of his arrival at once got to Mr. Lawrence. Detective Arifen says that Herzfeld told him he got a good chance to make away with the money when he was in his pocket was a new automatic revolver. He said he would have used the gun on himself if he had had time.

AMONG THE AUTOMOBILISTS

SAVANNAH AUTOMOBILE CLUB RESIGNS FROM A. A. A.

Members of Georgia City Angry at Action of Racing Board in Withdrawing the Annual Stock Car Contest, Which Was Promoted on Committee's Suggestion.

Announcement was made yesterday by Arthur W. Solomon, secretary of the Savannah Automobile Club, who is in this city to confer with the officials of the Automobile Club of America, that his organization had resigned its membership in the American Automobile Association on June 7. No announcement of the resignation has so far been made by the officers of the A. A. A. Mr. Solomon said the resignation had been sent to William H. Hotchkiss of Buffalo, president of the American Automobile Association.

At the same time that the club resigned, Frank C. Battery, president of the club, resigned as a member of the A. A. A. racing board and Vanderbilt cup commission; R. J. Dawson, secretary of the club, resigned as a member of the A. A. A. legislative board, and Mr. Solomon resigned as a member of the A. A. A. touring board.

Secretary Solomon declared yesterday that Mayor George W. Tilden, of Savannah, who was in this city on May 28, had not been present during the meeting of the racing board of the American Automobile Association, as was asserted in the announcement of the result of the meeting at the A. A. A. officials. Mayor Tilden had the proxy of President Battery of the Savannah club, and went to the A. A. A. offices, but did not arrive there until after the meeting of the racing board was over. He was informed of the action taken at the racing board meeting and did not know anything about it until he read it in the newspapers the following day.

It is known that the Savannah clubmen are very wrathful over the action of the A. A. A. racing board in announcing that sanctions would be granted for only one stock car race, and that one for the Thompson cup. A committee of A. A. A. members visited Savannah last winter and induced the Savannah men to offer the big silver Savannah trophy as an annual challenge cup, but the racing board outlawed the Savannah trophy at its meeting on May 28.

Great Britain's automobile association now has in its employ 1,000 men who help the members of the association. It is possible and gives warnings regarding the location of police speed traps. The organization had 300 members at the end of last year, 3,000 in its second year and at the present time has 5,000 members in its third year.

Attorney-General McCarter of New Jersey has handed down an opinion regarding the validity of licenses issued by the State prior to April 15 last. The opinion, which was approved by the court, holds that the license issued in a saving of several hundred thousand dollars to the State in the expiration of the license taken down in 1907 and 1908, and that the license issued in the period from January 1, 1908, to April 15, 1908, shall be good for a year, but that the license issued after that time shall be good for the fraction of a year remaining before the expiration of the license taken down in 1907 and 1908.

The opinion does away with the contention made by lawyers that licenses issued in 1907, no matter when, were valid until the end of this year by the act of the legislature which passed last winter. Had this contention been upheld New Jersey would have suffered a loss of several hundred thousand dollars in the collection of nearly \$100,000 in fees illegally since the passing of the law.

Charles B. Shanks has resigned as sales manager of the American Automobile Club of Cleveland and will enter the retail business in his home city. It is reported that he will go to Detroit to join the Thomas-Detroit concern in northern Ohio. Charles W. Churchill, former manager of the Detroit branch of the club, has been appointed successor to Mr. Shanks.

WILMERSBURG, June 15.—Automobilists of Pennsylvania won a big victory here to-day when Judge Halsey in a lengthy opinion declared that the law which gave them the right to keep automobiles of their own. The court in its opinion held that the law which gave them the right to keep automobiles of their own. The court in its opinion held that the law which gave them the right to keep automobiles of their own.

Judge Halsey decides that under the act of 1874 an automobile must be included in the general definition of a motor vehicle, and that the law which gave them the right to keep automobiles of their own. The court in its opinion held that the law which gave them the right to keep automobiles of their own.

Adam P. Leighton, Mayor of Portland, Me., notified the Automobile Club of America yesterday that he would give the club the right to participate in the pleasure tour of the C. A. Bureau of tours which starts from this city on Saturday.

Charles F. Root, chairman of the contest committee of the Chicago Motor Club, has completed the work of arranging the routes for the 1908 tour. The tour will start on Wednesday, June 17, and will be to the west coast, and the distance will be 10,000 miles.

Harry Levey had his big 120-horse-power Underhill cup race out on the Elkwood Park track at Long Branch on Sunday. The race was won by a car which was to be held on July 4 and the yellow painted car circled the track in 88 seconds.

The Motor Car Racing Association of Baltimore has scheduled another race meet for the coming week. The meet will be held at the Maryland National championship track, and will include a five mile small runabout race, the Maryland national championship race, and a 100 mile endurance race.

It was announced yesterday that the entry of the American Automobile Club of America for its grand prize road race at Savannah on next Thanksgiving Day was made by J. C. Finney of Savannah.

Injunction Prevents Interference With Betting at Denver.

DENVER, Col., June 15.—There will be no more interference with the race meet at Overland Park. The officials of the Interstate Fair Association have secured a temporary injunction against the Justice's Court, restraining them from issuing any additional warrants in connection with the betting on the races at Overland until the matter has been decided by the Supreme Court.

Robert H. Thomas, who lives at Seventy-fifth street and Second avenue, Bay Ridge, heard four shots fired in the direction of First avenue about 11 o'clock last night. He ran out on his porch and just as he did so a man staggered up the pathway and fell bleeding on the steps, and then was struck by another as he lay prostrate. He was taken to a hospital.

The fire, according to the local authorities, was probably of incendiary origin. Several Italians in the employ of the contractor had been allowed to sleep in the warehouse up to a short time ago. When this privilege was withdrawn there were many protests.

SHOT TWICE BY HOLDUP MEN. Victim Was Lured From a Car at Bay Ridge and Robbed.

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Fast New Motor Boat. A new motor boat built for Mawdsley Brooks has been tried and made a record which it is said is the fastest for a boat of her size. On a two hours run with full power she averaged 23 knots and when going at her best did better than 34 knots. This boat, built at Brooklyn, is a 20 foot motor launch and displaces only one ton. Her motor is 100 horse-power, with a bore of 64 inches and a stroke of 14 inches. She has a 100-horse power motor with all pipes, carburetor, ignition gear, &c., in 1,000 pounds.

Hackett, Carhart & Co. Our \$15 Hats at \$5.50. What remains of a bale of Panamas received a few weeks ago are now put on sale at our stores. At \$5.50 each. Their simon-pure quality insures them for at least a five seasons' wear. All are genuine South American Panama Hats.

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Browning King & Company. Rogers, Peet & Company. Three Broadway Stores. 255 at Warren st. 842 at 13th st. 1302 at 34th st.

TO HONOR J. P. MORGAN. Rumor That Yale Proposes to Confer on Him the Honorary Degree of LL. D.

NEW HAVEN, June 15.—It was stated on high authority to-day that J. Pierpont Morgan has brought his vacation abroad to a close, and is on Saturday in order to keep an engagement at the commencement exercises of Yale University next week. It is understood here that Yale proposes to confer on the distinguished financier the honorary degree of LL. D., the highest degree Yale can give for distinction in any field of work. At the university offices to-day the rumor was not denied or confirmed, but it was said by a prominent Yale man that President Hadley has a profound admiration for Mr. Morgan and believes that he performed a self-sacrificing and patriotic act of worldwide importance during the financial panic last fall.

BLAME FOR TENEMENT FIRE. Coroner's Jury Censures Owners and City Department in Report on Pearl St. Blaze.

A jury empaneled by Coroner Airtelli, which has been investigating the fire in a tenement house over a stable at 470 Pearl street on April 6, in which two persons were killed, brought in a verdict last night asking the District Attorney to proceed against Timothy J. Murray, representative of the Kennedy estate, which owned the property, and censuring the Tenement House Department.

The verdict said in part: "The loss of life resulted from a fire originating in a cellar used as a stable and the building at the same time was a tenement house. Straw was kept in the cellar of said house in direct violation of the tenement house act."

In view of the flagrant neglect to comply with the tenement house act by the owner and T. J. Murray, we recommend that the District Attorney institute proceedings against them in accordance with the law.

"We censure the Tenement House Department for failure to enforce the tenement house act on the ground that it used its discretion when the law is mandatory, and that the violation existed for six years before the loss of life vacated the tenement house."

DYNAMITE AT A FIRE. Firemen and Spectators Hurt by an Explosion at Richmond Hill, Queens.

At a fire at Richmond Hill, Queens, yesterday morning, which destroyed the warehouse of John Donaldson, a contractor, a quantity of dynamite stored in one end of the warehouse exploded, completely wrecking the building and injuring several firemen and spectators.

The dynamite was stored behind a pile of concrete building blocks, which went flying through the roof when the explosion occurred, many of them landing several hundred yards away. George Conroy, a fireman, the only one of the injured whose condition is serious, was knocked down by one of the flying blocks and then was struck by another as he lay prostrate. He was taken to a hospital.

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BRILLIANT PERFORMANCES with Specially Selected Tires. are always interesting. But not so interesting to you as the genuine assurance that the tires you buy shall not be the kind that do not make the records good. Our unequalled factory efficiency makes impossible a single flaw in the entire output of

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FOR BALTIMORE AND WASHINGTON. Lv. N. Y. 20th St. 12:00, 2:00, 4:00, 6:00, 8:00, 10:00, 12:00, 2:00, 4:00, 6:00, 8:00, 10:00, 12:00.

FOR ATLANTIC CITY. Lv. N. Y. 20th St. 12:00, 2:00, 4:00, 6:00, 8:00, 10:00, 12:00, 2:00, 4:00, 6:00, 8:00, 10:00, 12:00.

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