

Per Curiam.

364 U. S.

## PECK ET AL. v. NEW YORK.

APPEAL FROM THE COURT OF APPEALS OF NEW YORK.

No. 437. Decided January 16, 1961.

Appeal dismissed and certiorari denied.

Reported below: 7 N. Y. 2d 76, 163 N. E. 2d 866.

*Kenneth W. Greenawalt* and *Harrop Freeman* for appellants.

*Frank S. Hogan* and *Harold Roland Shapiro* for appellee.

PER CURIAM.

The appeal is dismissed. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied.

MR. JUSTICE DOUGLAS is of the opinion that probable jurisdiction should be noted.