

ROOSEVELT RACEWAY, INC., *v.* MONAGHAN,
COMMISSIONER OF HARNESS RACING.

APPEAL FROM THE COURT OF APPEALS OF NEW YORK.

No. 299. Decided October 16, 1961.

Appeal dismissed for want of a substantial federal question.

Reported below: 9 N. Y. 2d 293, 174 N. E. 2d 71.

Samuel I. Rosenman, George Morton Levy and Max Freund for appellant.

Louis J. Lefkowitz, Attorney General of New York,
and *Paxton Blair*, Solicitor General, for appellee.

PER CURIAM.

The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question.

MR. JUSTICE HARLAN would note probable jurisdiction.