

judgment reviewable here upon writ of certiorari or appeal.

It is true that in *Estate of Beckwith v. Commissioner of Patents*, 252 U. S. 538, this court allowed a writ of certiorari from a decision of the Court of Appeals of the District of Columbia, affirming a decision of the Commissioner of Patents, in an application to register a trade-mark. No question of the jurisdiction of the court was considered in that case, and an inadvertent allowance of the writ of certiorari does not establish the jurisdiction of the court. *Fritch, Inc. v. United States*, 248 U. S. 458, 463.

It follows that the appeal must be dismissed, and the petition for a writ of certiorari denied.

*So ordered.*

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AMERICAN STEEL FOUNDRIES *v.* WHITEHEAD,  
COMMISSIONER OF PATENTS.

CERTIORARI TO THE COURT OF APPEALS OF THE DISTRICT OF  
COLUMBIA.

No. 131. Argued January 12, 13, 1921.—Decided April 11, 1921.

Decided on the authority of *Baldwin Co. v. Howard Co.*, *ante*, 35.  
Writ of certiorari to review 49 App. D. C. 16; 258 Fed. Rep. 160, dismissed.

THE case is stated in the opinion.

*Mr. George L. Wilkinson* for petitioner.

*The Solicitor General* and *Mr. Assistant Attorney General Davis*, on behalf of respondent, submitted the case without brief or argument.

40.

Syllabus.

*Mr. Nathan Heard* for Simplex Electric Heating Company, by special leave of court.

MR. JUSTICE DAY delivered the opinion of the court.

In this case a writ of certiorari was granted by this court on October 13, 1919. 250 U. S. 655. The case involves an application for the registration of a trademark, which was refused by the Examiner in the Patent Office, which decision was affirmed by the Commissioner of Patents and his decision was affirmed by the Court of Appeals of the District of Columbia. 49 App. D. C. 16. This case is ruled by Nos. 139 and 113, just decided, *ante*, 35. As the writ of certiorari in this case, for the reasons stated in the opinion in No. 139, was improvidently granted, it follows that the cause must be dismissed for want of jurisdiction, and it is

*So ordered.*

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STATE OF MINNESOTA ON THE RELATION OF  
WHIPPLE *v.* MARTINSON, SHERIFF OF HEN-  
NEPIN COUNTY, MINNESOTA.

ERROR TO THE SUPREME COURT OF THE STATE OF  
MINNESOTA.

No. 224. Argued March 17, 1921.—Decided April 11, 1921.

1. Minnesota Laws, 1915, c. 260, regulating the administration, sale and possession of morphine and other narcotic drugs, *held* consistent with the Fourteenth Amendment. P. 45.
2. The presence in the law of a provision interpreted by the state courts as forbidding physicians to furnish these drugs to drug-addicts otherwise than through prescriptions does not bring it into