

## MECHANICS' TOOLS.

learned treatises upon the subject, and as a distinct though limited department of the medical art, in institutions established for the purpose. It requires both science and skill, and if such persons could be included in the denomination of 'mechanics,' because their pursuit required the use of mechanical instruments, and skill in manual operation, the same reason would include general surgeons under the same denomination, because the practice of their profession depends in a great degree upon similar instruments and operative skill. Nor could such a pursuit be properly said to be a trade."

Here we have both sides of the question judicially presented, and we must vote with Mississippi. The only operations of dentistry that seems to us to be *mechanical* are those connected with the manufacture of artificial teeth. It is unquestionable that one who makes cork limbs or glass eyes is a "mechanic," and the mere operation of making artificial teeth is mechanical; but the fitting of such teeth requires so much knowledge of the human body as to remove it from the domain of mere mechanical art, and to render it a species of surgery, like the operation of forming a new skin from pieces of skin taken from other living persons. A surgeon constructs a new nose over a silver plate, and sews a wound, and wires together a fractured limb to assist the process of knitting, and trepans a skull, and we do not denominate these operations mechanical. Certainly, the removal of the whole or part of a deceased tooth is no more mechanical than the surgical operation of removing a portion of the deceased jaw itself, and the question of the propriety of removing a tooth sometimes involves the exercise of considerable physiological knowledge. So of the treatment of the nerves of the teeth. It is true that we usually speak of a dentist's *tools*, and of a surgeon's *instruments*, but the latter are really just as much tools as the former. A chiropodist is defined "a surgeon for the feet," and could scarcely be regarded as a *mechanic*; and yet his calling involves much less professional knowledge than, and is commonly regarded as much inferior to, the occupation of a dentist. The

numerous "colleges of dentistry" would feel quite hurt by the imputation that their graduates are "mechanics," and so, we suppose, would the profession at large, especially those who have taken their degree, and write themselves D. D. S. But these honours have to be paid for, just as the lawyer, of whom we recently heard, resenting the inquiry by the innkeeper, whose guest he was, if he was a "commercial traveller," was charged a dollar a day extra for his pride.

As to the words "furniture," "tools," or "implements," "necessary to a trade or business," there has been an extreme liberality of construction. Possibly a piano may reasonably be called an "implement;" certainly not "furniture," or a "tool:" *Amend v. Murphy*, 69 Ill. 337. And a cornet may be a tool of trade: *Baker v. Willis*, 123 Mass. 194. Doubtless a merchant's commercial books, counting-house furniture, and iron safes, may be regarded as "instruments necessary for the exercise of the trade, or profession:" *Harrison v. Mitchell*, 13 La. Ann. 260. So a shovel, pickaxe, dung fork, and hoe are "tools of occupation:" *Pierce v. Gray*, 7 Gray 67. But how about a farmer's plough, cart wheels and rigging, harrows, drag, etc., which have been held "tools?" *Wilkinson v. Alley*, 45 N. H. 551. Webster defines a *tool*, "an instrument of manual operation." Printing presses, cases and types may come within this definition: *Fatten v. Smith*, 4 Conn. 450. A fisherman's net and boat have been held *tools*: *Samis v. Smith*, 1 T. & C. 444. The *net* certainly is, but is the *boat*? The *boat* comes nearer to it, at all events, than cart wheels, harrow or drag. A milliner's clock, stove, screen, pitcher, and table cover must have been regarded as "fixtures;" certainly not tools nor implements: *Woods v. Keys*, 14 Allen, 236. In regard to a book-binder's stove, desk, etc., it has been said, "being common to most kinds of business, they cannot in any proper sense be said to be the tools of any particular trade:" *Seeley v. Gwillim*, 40 Conn. 106. A canal boatman's tow line was exempted as a working tool (*Fields v. Moul*, 15 Abb. 6), but what then is *manual* about it, unless the claimant was destitute of a horse and towed his boat by hand, we