

Professional atmosphere and morals : or, Patents and secrets vs. liberal profession.

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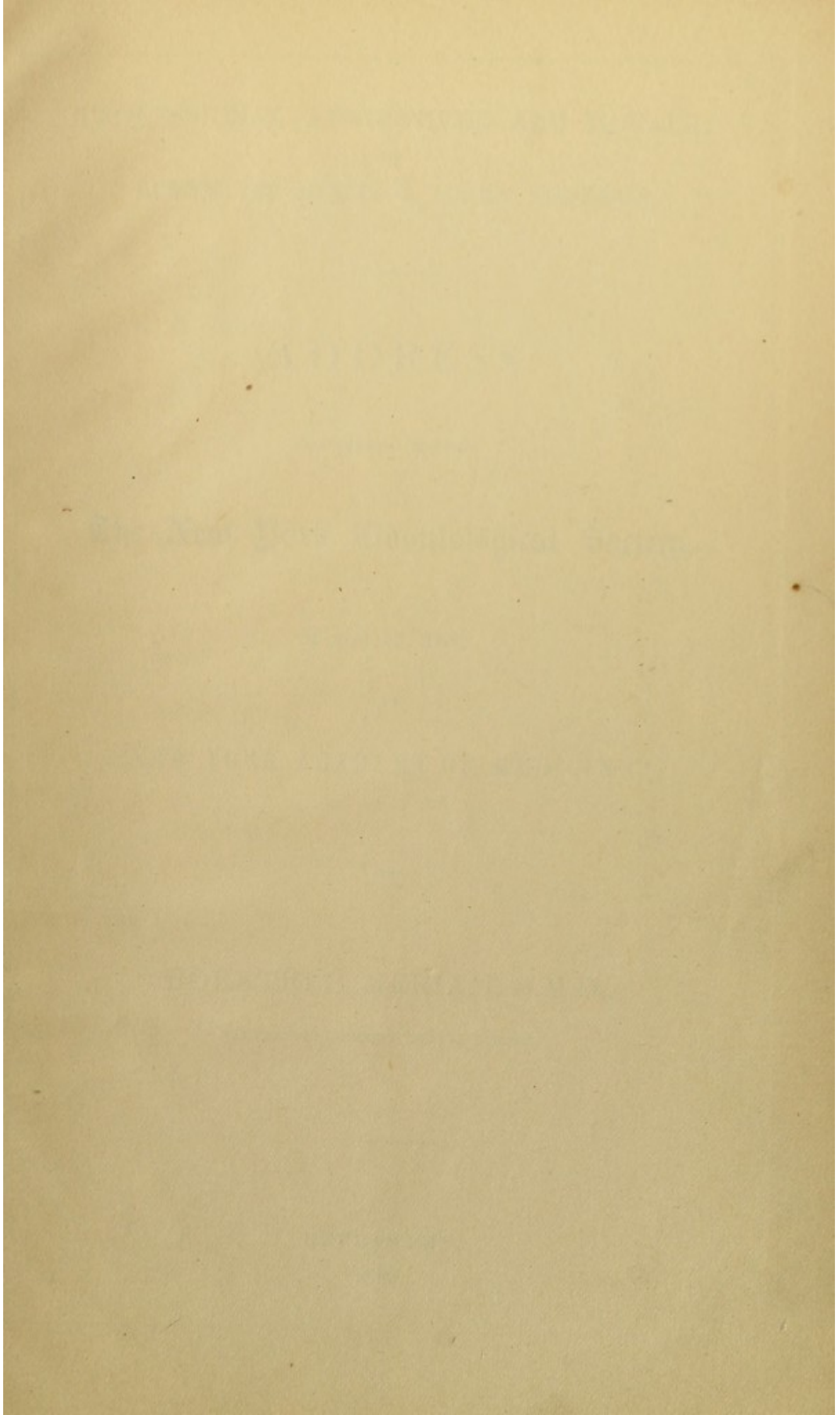
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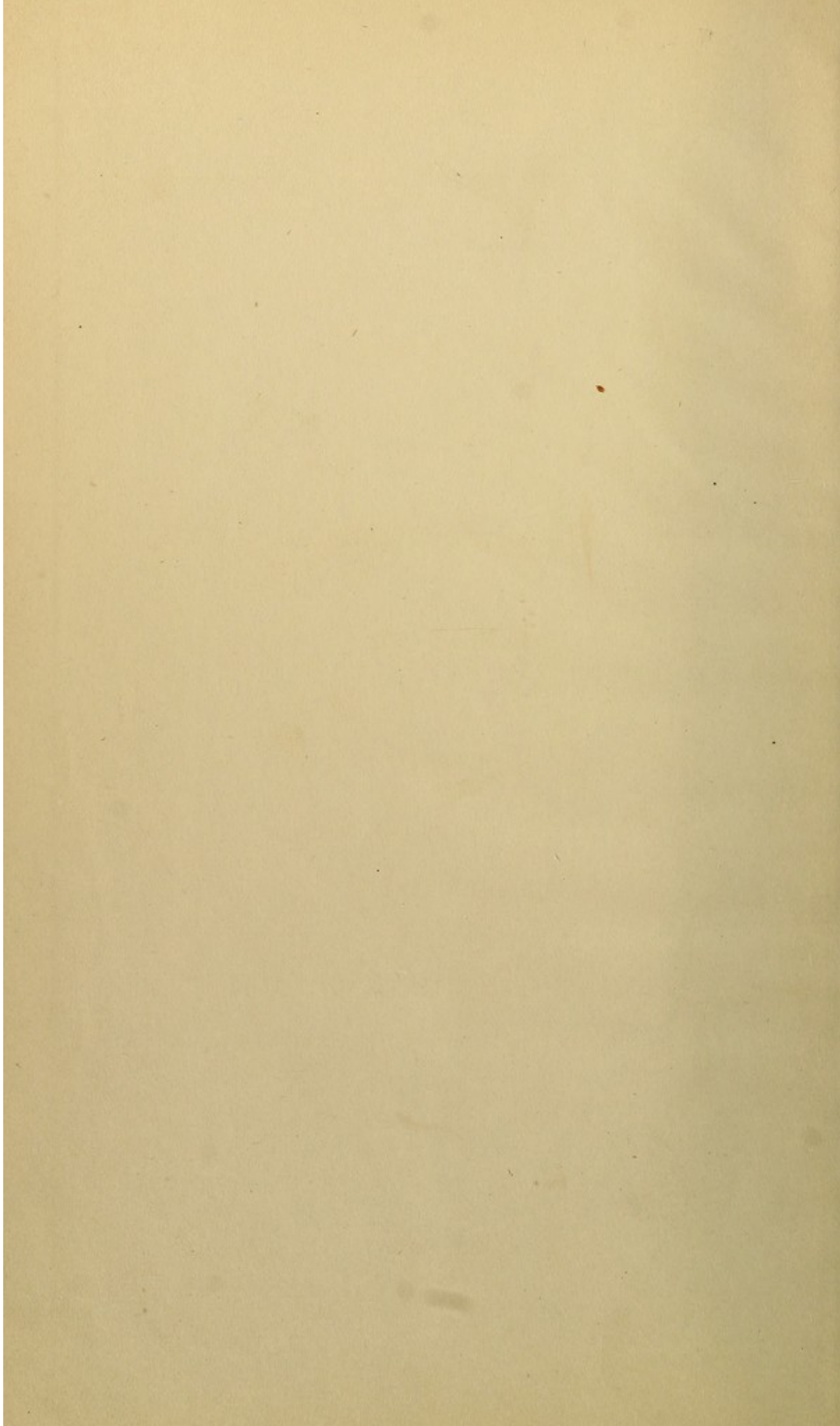


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PROFESSIONAL ATMOSPHERE AND MORALS;
OR
PATENTS AND SECRETS *vs.* LIBERAL PROFESSION.

ADDRESS

DELIVERED BEFORE

The New York Odontological Society,

MARCH 19, 1889.

AT

NEW YORK ACADEMY OF MEDICINE,

BY

HORATIO C. MERIAM, D.M.D.,

HARVARD UNIVERSITY DENTAL SCHOOL.

REPRINTED

1889.

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PROFESSIONAL ATMOSPHERE AND MORALS; OR, PATENTS AND SECRETS *vs.* A LIBERAL PROFESSION.

BY HORATIO C. MERIAM, D.M.D., HARVARD UNIVERSITY DENTAL SCHOOL.

(Address delivered before the New York Odontological Society March 19, 1889, and reprinted from the DENTAL COSMOS for June, 1889.)

MR. PRESIDENT, AND FELLOW-MEMBERS OF THE NEW YORK ODONTOLOGICAL SOCIETY:

It is natural to those who see the broad right of way that the liberal professions have held through literature, science, and art, to ask the source of that right, how acquired and maintained.

In a commencement address before the Dental and Medical Schools of Harvard, in Boston, in 1871, the Rev. Edward Everett Hale gave the difference between a body of professional men and a body of craftsmen. He held that every diploma given in a liberal profession contained three pledges which those who received them bound themselves to maintain by accepting: a pledge to learn for all; a pledge to practice for all; and a pledge to teach freely to all. These three,—to learn for all, to practice for all, and to teach for all,—uniting as they do past, present, and future, and implying freedom, are laid as a foundation, whereby we may test the claim of dentistry to be a liberal profession, and its practice that of a specialty of medicine.

I do not propose to go beyond these obligations to-night.

Dr. Hale has not given authority to them, but whether his opinion or that of others, they concern us as a statement of the law of a liberal profession, the observance of which prolongs and strengthens its life, and the neglect or abandonment of which would be followed by professional death. The obligation to learn and teach brings to the front the position of doctor, or *teacher*.

The doctor's position has always depended on his fidelity as a teacher. Your nostrum-vender, or maker of proprietary articles or medicines, who will not teach the making or their formulas, is one who disgraces this position and has no right to the title. So, also,

if a discoverer or inventor in a liberal profession patents the requirements of his profession, making them his exclusive property, and, in the language of the Patent Office, secures "the exclusive right to make, vend, and use" them, he violates the pledges of his diploma, and has lost his claim to belong to a liberal profession.

Mr. Ruskin asks, in one of his essays, why it is that the clergyman, the lawyer, the physician, the army or navy officer receive more honor or hold a higher position in the opinion of the world than does the merchant, in proportion to the time spent in acquiring the essential knowledge. And he answers it by saying that the world has wrongly accepted the merchant at his own estimate, that he works for money and may decide without loss of prestige always in favor of those transactions that pay him best; whereas, in the professions, the world recognizes that each must often turn from that which pays best to that which is the most dangerous or least profitable. The lawyer may become a judge, and must refuse bribes, or to sit in cases in which he has a personal interest, or take advantage of knowledge, in a pecuniary way, which has come to him while hearing cases. The clergyman who neglects the care of souls or to teach truth for more profitable work, or who preaches error or falsehood if it pay best; the physician who would not face contagion; the army or navy officer who would not risk his life, or who would retire on the eve of battle, for the sake of money,—are all without honor.

Agassiz, in his will, wrote himself "Louis Agassiz, Teacher," selecting this title in preference to all others. While conducting some experiments in his laboratory, he received an offer of a large sum from the West for a course of lectures on natural history. He replied, "I cannot afford to waste my time in making money." This reply, natural to him, aroused great wonder, and Agassiz wondered that they wondered. He knew that hundreds of men both in this country and in Europe would have given the same answer. To a business man, the fact that a scientist was too busy to make money was a revelation. This brought the fact before them, and gave science in America a position and stimulus that it feels to this day. From that time on, money flowed to Agassiz in a continuous stream, and he who afterwards said that he never was a quarter of a dollar ahead in his life and never expected to be, found himself in a position to call for money as often as he needed it for science, and it came. He made the title of teacher almost glorious, and left a name that has been to science in America a continual benediction.

"This wonderful creature," as an admirer describes him, called not only money but men to his aid. From the emperor of Brazil with his mountains, to the farmer and laborer, who would leave

their work to dig for him a specimen, all helped. There was the personality of the man, to be sure, added to science; but the scientific test for a scientist was the same before and is the same to-day, *Fidelity to their obligations as teachers.*

The article by the Duke of Argyle called "The Great Lesson" is of interest as illustrating this, and the atmosphere and morals of science, the integrity of its teachers, and the obligations to truth which they acknowledge.

The voyage of the "Beagle" ended in 1836, during which Mr. Darwin made his observations, and framed his theories of the formation of the coral reefs and islands. More than thirty-five years after, the "Challenger" expedition, with Mr. John Murray as naturalist, was sent out. He "made observations and drew conclusions that called for a new explanation." (I quote from the duke's paper.) "This was communicated to the Royal Society of Edinburgh in 1880, and supported by such a weight of facts and such a close texture of reasoning that no serious reply has ever been attempted. At the same time the reluctance to admit such an error in the great idol of the scientific world, the necessity of suddenly disbelieving all that had been believed and repeated in every form for upwards of forty years, of canceling what had been taught the young for more than a whole generation, had led to a slow and sulky acquiescence rather than to that joy which every true votary of science ought to feel in the discovery of a new truth, and not less in the exposure of a long-accepted error."

The charges so distinctly made by the Duke of Argyle soon received a warm reply. It was held he had charged the leading scientists of England with a "conspiracy of silence;" that they were so anxious to guard the memory of Darwin and to preserve his theory that they had refused to investigate truth; in other words, had formed a "Trust," or what we now know as a "Combination," to exclude all competing discoverers and prevent by silence free discussion of scientific questions, and discourage investigators, and by so doing they were guilty of conspiracy. Professors Huxley and Bonney replied warmly, the former not only to the duke but to a preacher whom he calls "Anonymous," and said, "For, not content with misrepresenting science on its speculative side, 'Anonymous' attacks its morality; thus: 'For two whole years investigations and conclusions which would upset the theories of Darwin on the formation of coral islands were actually suppressed, and that by the advice of those who accepted them, for fear of upsetting the faith and disturbing the judgment formed by the multitude on the scientific character, the infallibility of the great master. . . .'"

Prof. Huxley denies the truth of this, and says, "The charge thus

brought by 'Anonymous' affects the honor and the probity of men of science; if it is true, we have forfeited all claim to the confidence of the general public."

Prof. Bonney was not less decided, and says, after quoting the duke's article,—

"This is plain speaking. In words that admit of no ambiguity the duke declares that Darwin was wrong; that Mr. Murray set him right; and that the latter, instead of receiving a welcome, was met with a virtual conspiracy of silence on the part of scientific men." He denies the first two, and says,—

" We come then to the third charge, which is the most serious one, because it affects the morality of scientific men; and many of them, like myself, are old-fashioned enough to resent being called a knave more than being called a fool. Has Mr. Murray been met by a conspiracy of silence?" He denies this also and shows that it cannot be true, and adds, "Men of science are justly sensitive on this question. Doubtless they are not more exempt from human frailty than any other class of men; we all fail sometimes, nay, too often, to live up to our ideal standard; still such shortcomings are not common, and anything like a 'conspiracy of silence' or any kind of scientific boycotting is a thing so improbable as to be almost incredible."

This, then, of the scientific men of the day. You may reply that these are questions of pure science, or not connected with medical practice or its temptations. True; but physicians would claim to be actuated by scientific motives, and be governed by the same liberal principles, be under the same moral obligations, and wish to rank among those who are bidden by their diplomas "to own no master but Truth."

Let us turn to law. "I hold," says Lord Bacon, "every man a debtor to his profession from the which as men do seek to receive countenance and profit, so ought they of duty to endeavor themselves by way of amends, to be a help and ornament thereunto. This is performed in some degree by the honest and liberal practice of a profession when men shall carry a respect not to descend into any course that is corrupt and unworthy thereof, and preserve themselves free from the abuses wherewith the same profession is noted to be infected; but much more is this performed if a man be able to visit and strengthen the roots and foundations of the science itself, thereby not only gracing it in reputation and dignity, but also amplifying it in perfection and substance."

Here again is the obligation to serve their profession recognized as binding on its members. And it is a position, "as one sees the long line of scholars, poets, and sages, and reads of the college

cloisters and quadrangles of Oxford and Cambridge, whose very stones seem happier for being there," to desire that our profession should take its place among them, and say, "These are for us too." So we all felt a great pride when dentistry was admitted to universities, and dental schools established. Now we wish for such advance in liberality that they shall not be training-schools where the useful and needful only are taught, but where dentistry is taught as a liberal, free, and learned profession; and rightfully hope that the universities will raise the teaching of dentistry to the university standard, and not lower the university standard so that graduates in dentistry cannot claim to be the equals in liberality with those of divinity, law, and medicine.

Who would have expected that Dr. Rollins, one of the brightest men who has been graduated from the dental school at Harvard, could have written what I shall presently quote, and still less that it should have passed uncontradicted by any dental school or society in America?

"So long," he writes, "as members of the profession who patent their inventions and make money on them are honored to the highest extent in our power by being asked to be leaders in our schools and before societies, so long will dentistry remain a trade, and I for one shall be ashamed to use my dental degree."

Is not dentistry in a position to resent this? Resent it if we please; still, like unsettled questions which have no respect for the repose of nations, it will not down if true.

A leading American practitioner writes me, "We are fast becoming a mere tender to a trade association, and about all the liberty there is left us is the right to buy goods."

Is dentistry, then, in a different position from that of other professions that claim to be liberal? There are, of course, those who have taken the degree of Doctor of Medicine as covering the whole, and who do not care for a partial degree in medicine or surgery; others find that the recognition of the dental degree by the American Medical Association is all that is needed; but these leave the point untouched. Has the dental profession of to-day the morals and atmosphere that entitle her to be called a liberal, free, learned, or scientific profession, and to rank with divinity, law, and medicine?

It will not do to trust to medical degrees to entitle dentistry to this position, for they may be obtained for use as a pass-word or for patronage or influence; and a medical degree, or education, or membership in the American Medical Association, intended strictly for publication and not as a guarantee of faithful assumption of the liberal obligations they have always implied, will not avail much for the elevation of the profession.

There are some who quote the irregular practices of off-color physicians as affording a shield for themselves, and a hope that the American Medical Association will not look too closely into dental exclusiveness. To be of real value to dentistry, the recognition of it must call on us to leave quack ways and methods behind. We are not ambitious to rank with off-color physicians, or to make by reason of patents and secrets an off-color section in the association. We do not want it to shut its eyes to violations of the code to admit us, and thus step backward. Let them provide that all papers, clinics, and exhibitions given be up to the standard of the other sections, or else their recognition of dentistry will be a curse and not a blessing.

Since, then, we are to go behind the degree to the teaching, from the title to the doing, we ask, is dentistry, with all its titles and degrees, in a different position from the professions that rank as liberal?

The student of divinity must satisfy the denomination which he elects of his fitness, comply with the laws of the State, and so long as he conforms with its tenets need not fear that one of his brothers will invent a scheme of salvation which he will sell to a company which will charge him for its use, or will keep to himself the "exclusive right to make, vend, or use" it; but, on the contrary, may look forward to the day when some university or seat of learning shall give him, as among its highest honors, the title of Doctor,—*Teacher of Divinity*.

The student in law must pass his examinations, comply with the laws of the State and the rules established by his profession, and may then be free to serve his clients, and may avail himself of all the past and present experience of others without let or hindrance, and need not ask consent of a fellow-member to improve a process or serve one, for no one of them has by patent the power to prevent him, or is the owner of a secret (legal) remedy.

The student in medicine must reach the educational standard of his school, comply with the statutes of the State regulating the practice of medicine, and he is free also within these limits. He may have made or may improve instruments without asking permission of his fellows; may perform operations without obtaining a *license from a company, or leave from another*. He may ask the formula of any medicine that claims to be scientific, call for aid in consultation whenever needed; call for information, as a right expect a reply giving it,—all by reason of being a liberal, or member of a liberal profession. He may be sure that he is at liberty to perform any operation he has seen done at a hospital clinic without fear of subsequent litigation; may order instruments without fear that litigation will prevent their delivery.

Now, is the dental profession as free or as liberal? For years we were under the rule of a Rubber Company, the last part of the time through the purchase of a patent from a dentist. The present Tooth Crown Company will hold the profession, if successful, by virtue of aid given by dentists, by the men who formed it being received at clinics and introduced without the improvements or operations being given fully to the profession. In fact, to use a homely illustration, they were "given with a string tied to them so that they could be pulled back—and the profession pulled in."

The student in dentistry is taught with patent instruments, uses daily filling-materials whose formulas the instructors do not know; and, after passing examinations and fulfilling the legal requirements of the State, must, if he wishes to practice all that is published in his text-book regarding operations, pay, or buy a license from others, or expect litigation. He will find the instruments of his profession so handicapped with patents that all makers are not at liberty to serve him. They can withhold, or decline to make, and refuse to permit others to do so. This power has been given them by his brothers, who have sold to them the "exclusive right to make, vend, or use." They can direct him to cease improving an instrument, because they have bought from a brother the patent which covers it, and have thus secured this power. Even a better instrument cannot be introduced when this power has been sold to those outside of the profession. If he is studying any question which involves instruments or processes, he may find himself obliged to ask the permission of his brothers to work at the problem, or else I mistake in my reading of the foot-note to an article by Dr. Bogue in the *Dental Cosmos* of March, 1885, where we are informed that "Dr. Jarvis was the first to separate teeth by means of a screw, that Dr. Perry had improved on this instrument, and that, with the *permission* of both these gentlemen, Dr. Bogue had been working on the problem for several years." These are three well-known names in the profession; one has *had permission* to work on the problem of separating teeth. He may find, after becoming a member of societies and listening to papers read at the meetings, or when he reads his own journals, that papers seem to be written to help the sale of appliances that destroy his independence, that men clinic to advertise instruments, or that clinics are used to introduce quacks or quack methods. That if he ask information at a meeting or clinic regarding a compound he may be refused by the person presenting it; find, after witnessing an operation, that he must take out a license before introducing it in his practice. This license may involve conditions, and be taken from him at any time for non-fulfillment of them.

It is possible for a Sixth or Eighth avenue dentist to purchase the entire right for New York City, and those who practice between Sixth and Madison avenues become dependent on him for permission to study or use. He may demand the right to inspect books at any time, have them brought to him, or prescribe in what form they shall be kept, have the lists of patients for whom the operations are performed sent to him as often as need be, and rightfully refer to any he controls as "a man who works for me." It often calls for as much expense in time and thought to prepare a paper or perfect the details of an operation as to invent an instrument. The dentist who is obliged to pay his brother for the right to use instruments, may not be able to invent another, and so "get even." He may, however, be able to devise a new way of filling, or process of construction, and as he cannot dispose of this like an instrument, he must sell to a company who will "work it on the license or royalty plan." For, bear in mind that up to this time we have not been willing to face the question of the falsehood of patents in a liberal profession, but have admitted their place in dentistry, and have only fought to test the legality of those where license or royalty has been asked. We strain at the gnat of the Tooth Crown Company, but swallow without trouble the camel of illiberal patents and secret materials. We should be teachers, not traders, and condemn alike all the men who sell the profession into the hands of trade. At the present time some are selling the control of instruments to makers, others processes and operations to companies who wish to license; thus providing an upper and a nether millstone between which the great body of the profession can be ground exceeding small.

Many patent defenders say that a man should get his pay for time and labor. With this simple statement there can be no quarrel. The professional view is this: that in getting his pay, he is under moral obligation not to injure his profession, nor by reason of his invention give power over the profession or any fellow-member to any one. That if by reason of it he has aided oppression of makers of limited means, or has subjected them to litigation, he makes himself and the profession a party to illiberal motives and tendencies. In a liberal profession mutual help, exchange of thought, whether embodied in instruments, essays, or consultations, should be a sufficient compensation, and it is so held in the medical profession.

I read with shame and professional humiliation of a teacher who makes an appliance of a secret material, patented, so that no one else can make it, sold through a "sole agent" to combination dealers only. Exclusive in conception, exclusive in execution, exclusive in manner of distribution. When this is the teacher, what will be the student?

I am frequently met with the remark, "I guess if any of those

professional fellows got up a good thing they would patent it and make what they could out of it." True, perhaps, but I have yet to learn that that is the question under consideration. The point is, that having done so and secured from the government the power to prevent all others from "making, vending, or using" without my consent, the power to put fellow-members under tribute, or sold to others that right, can I claim a right to continued association with them on equal terms? Can I claim to be a liberal member of a liberal, *free*, profession, having aided to bind it? If a man will not work, neither shall he eat. If he will not give, how can he claim the right to receive?

We may, in our poverty, envy Cummings, who sold us for money to the Dental Vulcanite Company, and say we would do the same if we had the chance, and that Dr. Barnum was a fool not to do so; speak of the advantage that rubber plates have been to thousands. But when we talk of ethics we should know that we were not free men or a free profession during those years of disgraceful bondage; the atmosphere was a trade atmosphere, and the men developed in it not professional men, and it has left a stain of trade on our profession that may never be effaced.

Our constitution secures patents as property, but there are higher powers than constitutions. Patents were legally granted under it for explosive bullets, but civilized men have not used them against each other, as the object of modern warfare is not to destroy life, but to settle questions.

According to Blackstone, the government grants a patent in return for such information as placed on record will enable others to construct or use the article or process after the period for which its exclusive use was granted has expired; in this way overcoming the tendency of mean natures to conceal information, or withhold knowledge from others.

"If your work be mean," says Emerson, "try by your thought and feeling to make it liberal." Physicians, as members of a liberal profession whose first object is not to acquire power, are by reason of their membership under obligations to teach, and do not need the stimulus of a patent to make them record knowledge or aid each other or mankind; and while the constitution will give them the right to patent, they do not wish, as honorable gentlemen, to avail themselves of the power it gives to exact or withhold from each other what their privilege of membership in a liberal profession always implies should be given freely.

I went through the Children's Hospital, in Boston, and after passing through the wards asked to be shown the workshop where their instruments and apparatus are made. I said to the surgeon who

attended me, "It is as important that you should have those men under your control to make as you direct, as to control the nurses. Allow them to patent those instruments, or patent each improvement that helps you overcome some new difficulty, and sell the control to them, and it would be but a few years before they were exercising more authority over the instruments used in the hospital than you." Then I told him the whole story of the shameful, illiberal condition of dental practice: that instruments ordered could not be delivered on account of the quarrels and litigation among makers; that honorable practitioners had been forced by threats of litigation to take out licenses to perform operations and pay a commission on the amount received,—were obliged to allow the company liberty to examine their books; that I had heard that upwards of a hundred orders for one instrument could not be filled, because dentists had sold to makers the power to control instruments their fellow-members needed; that valuable instruments could not be introduced because patents were thought to cover them, and, by having purchased those, makers could threaten with litigation any one who proposed to make them; that certain instruments were held for lease and not sold, that a license and percentage were to be charged for their use, and that this license could be revoked at any time for non-payment. He exclaimed in astonishment, "Are dentists in such a hole as that?"

The commercial value of a patent is often in the power it gives, not in the time spent on it, or its ingenuity, nor its value to the profession; and a maker, seeking to control a market or an instrument, will not look except to the valuable vantage point that he can secure by purchasing it. If one by buying a patent on an instrument can prevent competitors coming into the field, that will be the value of the patent to him. A patent, of little or no value on its merits, may thus be the key to a legal situation, and others may be ruined by a bought patent. It is interesting to notice that the same class of minds that justify patents in dentistry also justify secret preparations and the refusal to teach improvement or give information, and the formula of materials or medicine and their true or scientific nomenclature. Thus patents are only part of their offending against the standard set for a liberal profession, and thus the real object—exclusiveness—becomes apparent. Others seek to turn the question from patent right to copyright, though I have not heard them mention the book whose owners have formed a company and worked it on the "license or royalty plan." When copyright is used like patent right, so that the consent of the author or owner must be asked before operations can be performed, and companies are formed to license, permit, or appoint those who shall have

the right to act for them in certain territory, it will be the duty of those who guard education and the liberal profession to include that also, among those things that debar from membership or association.

Mr. Dixey has, I believe, the exclusive right in all America to sing "It's English, you Know," but Mr. Dixey does not call himself a member of a liberal profession, or claim to be under its obligation, nor does he ask favors of them; nor can he claim for others, as does a physician, the right of consultation by virtue of his society membership.

A defender of patents in dentistry, in writing to a medical journal, makes this humiliating confession regarding the subserviency to trade to which they have reduced dental societies: "Our dental inventions are not," he writes, "shut up like those of our medical *confrères* in one city or in one society, but are shown in practical use at all the clinics of the State societies, either by the inventor in person, or a practitioner *appointed by the dental firm* who holds the right of manufacturing."

Are the appointments of the surgeons who operate in the hospitals of your city made by firms who own and manufacture instruments? Is this right of manufacturing ever sold without *the power to threaten* or to *sue* other dentists who may be improving instruments that may infringe or compete with it? One would suppose that pecuniary interest would be enough to debar from a meeting or clinic those things in which practitioners had a financial interest. For in a meeting a member is at once judge and jury and witness; and Garretson says, in writing on expert testimony, "that the scientific man who appears in the witness box as an advocate cuckolds science." And are our societies, schools, and journals less in importance? Mr. Justice Gray, of the United States Supreme Court, left the bench and did not take part in hearing "The Telephone Case" merely because a relative was a stockholder; and no lawyer can be asked to try a case before a judge or jury who would be financially interested in the result of the verdict.

In clinics all should be given as part of a scientific and professional demonstration, not as a sign-board to point the way to the shop of some exclusive maker. Clinics are best defined as "*bedside teaching*," but our neglect of professional obligations has reduced them to *bedside peddling*. I doubt if there is a dental society holding clinics to-day that is not introducing illiberal practices. The odious Tooth Crown Company gained its first introduction through them.

The dignity of the professional teacher requires that clinics shall not be used as advertising boards for patent instruments or materials, but that all operations taught in them should be performed with free instruments, and should be as free to be followed as any operations

in the hospitals of your city by the surgeons witnessing them. Better give them up than to have them used by Tooth Crown Companies, or the like, or conducted in a trade atmosphere which poisons professional life-blood, so that it will not form a healthy professional growth. On nearly every society programme I see the names of teachers in our colleges, who, by reason of their patents on the instruments to be used in the clinics, make it not unfair in us to suppose they derive a pecuniary benefit thereby; and I, Mr. President, who am a simple man, and perhaps foolish enough to think that men who desire to be classed as belonging to a liberal profession should strive to show the outward or visible signs or forms of one as evidence that they are possessed, also, of its inward or spiritual grace, have been sadly troubled whether to class these gentlemen as "college teachers" acting as depot-steerers, or "depot-steerers" acting as college teachers.

If we are to be satisfied with menial positions because they pay best, well and good. Some cooks receive a larger sum per annum than some college presidents; but I have not heard that our universities have, as yet, given up teaching the humanities to train cooks, nor that the latter are asked to grace our platforms on commencement days.

Let us be spared the mortification of knowing that any member of a body which calls itself a liberal profession, governed by moral and professional obligations, has been so false to them as to assist litigation among our instrument-makers by selling to them for money the power to destroy the men of small capital, and has stood by consenting to their commercial death. The man who can say, "I will go with makers when they pay me more than societies," prostitutes professional position. There should be no underground railroad running between the editor's chair and the shop of the maker or dealer in instruments. The editing of a journal should be done with as much understanding of The Code and what constitutes a liberal profession as any service it receives. All professional matters should be given importance, and all trade interests equal terms. No article should appear in the reading pages written in behalf of materials in which editor or publisher have pecuniary interest. They should have no connection with trade so that it would be to their interest to delay or prevent publication of the freest discussion of the requirements of practice, or any topic that the profession chooses to take up. A journal must be the outspoken mouth-piece of an outspoken profession; for to allow the advertising pages to be controlled by any one dealer mars the professional standing of the whole journal. For a member of the profession to lend his name as editor to a journal whose publisher is likewise an instrument-

maker, who refuses to admit or continue advertisements of competing makers, is to tarnish professional character and the independence of the editor as well. Let the reading pages be open to the introduction of practical matter and improvement also. Let them find a place beside the microscopist for a description and illustration of the wonderful blow-pipe of Prof. John S. Thompson, of Atlanta, Georgia, and beside the pathologist for the machine for cutting engine-burs invented by Dr. E. B. Call, of Peoria, Ill. We cannot expect them to be given equal importance in our journals if they are not conceived of by the inventors, the profession, and the society, as services due to it by reason of membership. For many of these omissions the blame rests at our own doors. Had the beautiful mechanism perfected by Dr. Perry, and known as the Weber-Perry engine, been completely described and illustrated so that any practitioner could have had one made by a competent instrument-maker, when first invented, it would have become the absolute property of the profession; and what better service can be given to-day than the invention and presentation of a dental engine that may be made by any instrument-maker, and rank as a professional surgical instrument?

From a scientific, moral, or professional stand-point, it would seem almost incredible that the editor or publisher of journals claiming to represent the profession should know of valuable instruments, and not mention them in their journals, be the owners of processes of manufacture that are not published, or should be concerned in hindering their use by others. It is disgraceful even to be suspected of hindering a professional or scientific man from obtaining anything he wishes to use in his work, that they should be concerned in suppressing competition, or give men who violate the medical code prominence in their journals. Yet the statement is freely made that processes of use to the dentist are not printed by editors or publishers of our journals, though known by them for years.

Dentistry cannot ignore the mechanical, but must clothe it with honor as the orthopedic surgeon has done, by bringing what enters into our practice under scientific and liberal control.

With the combination of instrument-makers and others called by those who compose it the "Dental Trade Association," we are concerned, as it affects our profession. It is not something we are at liberty to discuss if we wish; but if its effects are such as to keep dental requirements from the usual channels of medical and other scientific supplies, or to hinder competent persons engaging in our service, it becomes a question that it is our duty to discuss, and one which we have no right to omit.

The evil effects of patents and secrets in the profession are manifested as well by their effect on our instrument-makers; they have become so thoroughly debauched by them that the first question seems to be always, not to supply what is needed, but to make that of which they can secure exclusive control either by secrets or patents.

The advantage gained by a patent or secret process encourages the aggregation of interest; and, having secured the power to prevent all others from making one instrument, it was but a logical step to form an organization which should secure the control of all the requirements of dental practice, and under this system those who have patents or secrets to sell will receive more consideration than those who wish to introduce professional or open articles in which there may be subsequent competition.

Some time after graduating I became interested in gutta-percha, followed it as well as I could from supply to source, and gave all I knew freely to students and societies. I received one day an application from a dealer who had been asked by dentists to procure it for them. I replied as follows,—I omit names, of course, because this is not a fight against persons, but for a principle:

"Yours of . . . is at hand. I shall be much pleased to aid you in getting a gutta-percha filling before the profession, and will teach freely all I know regarding it to any one whom you may select. I shall require in return that it be professional in every way. Its formula must be printed both on the label and circular, both to be made out as directed by me. It must then be ranked among physicians' and surgeons' supplies, and sold at a uniform wholesale rate to all druggists, dental depots, makers and dealers in dental and surgical instruments, etc. Regard for the standing of the profession, and my position as a teacher at the dental school, will not permit me to grant the use of my name except under these conditions."

Were there any conditions imposed that any physician or teacher should not require? Yet the substance of the reply I received was: "On business principles we could not accept the conditions you mentioned; it would be too much of a departure from business plans of the past for us to undertake."

It was certainly my duty to require what I did, and I presume, also, the gentlemen who wrote me felt it their duty to "The Combination" to refuse to supply the gutta-percha as a professional material.

I notice that it is claimed by a speaker in a Western meeting that this "association is just the same as the dental society," and organized just as we are "to keep out scalawags." Now, our societies are not organized to keep out scalawags, but by the scientific and liberal associations that should cluster around them to prevent members from

becoming scalawags. But the scalawag question interests me a little further; for I read under article 16, page 12, of what purports to be the "By-Laws of the Dental Trade Association:" "*In future no practicing dentist, not now a dealer, shall be eligible to membership in this association, or entitled to trade discounts.*" And I am moved to ask if, in the opinion of our Western friend of the combination, "practicing dentist" and "scalawag" are synonymous terms.

It is not strange if, for a time, our instrument-makers fail to understand the position they should take, for we have led a lax professional life, and our recognition by the American Medical Association is but recent. They will now be called upon to abandon secret or patent processes and instruments, and advance to the position of professional and scientific makers.

Our schools can do much for securing competition. It should not be in the power of the agents of any maker to say that a professional school "plays its students" into the hands of one. There is professional propriety in favoring none. There is professional disgrace in admitting but one.

The spirit of Article I, Section 4, of the medical code should be sufficient to guide us in the treatment of combination makers:

"Section IV. . . Physicians ought to use all the influence which they possess as professors in colleges of pharmacy, and by exercising their option in regard to the shops to which their prescriptions shall be sent, to discourage druggists and apothecaries from vending quack or secret medicines, or from being in any way engaged in their manufacture or sale."

It is clearly our duty under this to take heed that we encourage science by purchasing and using, as far as possible, professional requirements,—those that are free from patents and secrets open to all qualified to make, bearing in mind that the object of the code is not to fight patents and secrets in general, but to keep them out of medicine, thereby providing that it shall continue a liberal profession, and that we may not in buying our requirements aid in degrading our calling. "Millions for supplies, and not one cent in aid of quackery," will be a good motto. We should insist that all aid we give workmen by directing them in the making of our requirements be met with a guarantee that they shall afterwards be handled as medical and scientific supplies, thus recognizing that everything has an ethical as well as a useful end, and, unless guarded, may be used to degrade as well as to aid us. The laws of health and contagion have taught us that if we will not be our brother's keeper he will be our destroyer.

It is interesting to note, in connection with the assertion that the combination has nothing to do with prices, that they have been

reduced only in materials that come into competition with it and can be bought outside.

"Sell me this patent; we shall never dictate to dentists," says the Tooth Crown Company or instrument-maker. The professional man must answer, "I cannot sell you *the power to do it* even if you do not propose to." For patent does not imply use, but *power* over so much of dentistry as the invention covers, and makers often demand complete control as a condition of making; and once made property by patent, death, sale, financial embarrassment, litigation, all become agents that may remove it from the profession and give its title to others. The fact that they are property is just the worst part of it, and constitutes the danger to a liberal profession. Dr. Hale, in the address quoted at the beginning of this paper, said, "The medical profession brands with infamy the man who makes God's Truth his property." We do not want our calling to depend upon the views of others regarding their property, be they the Tooth Crown Company or combination instrument-makers. For not more surely does the wire that runs to our office bring with it the subtle power of electricity, than do patents and secrets subject our profession to all the vicissitudes of a trade.

Those who must advise their sons to follow or not the calling of their fathers may be pardoned for wishing to know if they are to advise them to take an independent calling, or one whose practice on entering they will find involved in continual litigation, and for whom every new operation may include a new terror or degrading condition which absolute ownership by others may impose; though I am free to admit that it will not interfere with the practice of those who find their highest ideal of dentistry in the polish of instruments, in the cohering of gold, in the soldering of bridge-work, or in the vulcanization of rubber, "and who daily strive through all life's space in hope to stand well in some maker's grace."

For the *raison d'être* of our profession is not to produce, secure, or use highly-polished instruments. Dentistry should rise to and rest its claims upon its scientific, physiological, and moral purposes and obligations,—the preservation and restoration of function, the relief and prevention of suffering and pain, the restoration of grace and symmetry, and the aid it gives that there may be a "sound mind in a sound body." That to do this we should be free as physicians to call to our aid the arts and sciences; they to furnish the means, we to give the special application. That our needs create and develop instruments; they are our aids and under our control, or should be, not we to be controlled by them.

We are not trying this case of "Patent Secrets *vs.* a Liberal Profession" before a jury of machine-shops, instrument-makers or

dealers, the journals they control, their employees, or those members of societies that they hold in leash. We are trying it by the liberal standard set by all liberal professions. Scientific and professional interests call for scientific and professional tests, and discussions on them are not conducted by anonymous writers or paid attorneys. No man who is willing to act in schools, societies, or journals in the pay of an instrument-maker can pick a quarrel with us on this question.

I cannot do better than to quote as a witness the honored head of our university, whose address before the American Academy of Dental Science was the first comparative study of dentistry made by so competent an authority :

"There is another common attribute of good physicians and surgeons which has had great effect to elevate and liberalize their profession. I mean their characteristic zeal for teaching. This zeal is manifested not only in giving direct instruction to medical students, but in imparting to medical societies and the public every important fact observed, every useful practice invented, and every suggestive opinion or promising theory conceived. The constant desire and purpose on the part of its members to teach, to impart to all any peculiar knowledge which each may acquire, is one of the principal distinctions between a liberal profession and a trade. Dentistry would have no claim to be called a liberal profession did not its practitioners manifest this zeal for teaching."

Those who are making this fight for the improvement of dentistry will not be turned by ridicule or misrepresentation, for we know that that can be cheaply hired in the market, but those that oppose us must show that we have misrepresented medicine or the liberal professions ; when they have done that we will beg their pardon and retire from the contest.

You will all be glad, I know, to hear these words from a Nestor of our profession, Dr. W. W. H. Thackston, of Virginia :

FARMVILLE, VA., March the 9th, 1889.

HORATIO C. MERIAM, D.M.D., Salem, Mass. :

My dear Doctor,—Very warmly sympathizing with your efforts and labors for the betterment and true advancement of dentistry as a "liberal profession," I can only most keenly regret that my health at present forbids a trip from home, unless to visit a milder climate than even Virginia affords.

I am just recovering from a bronchial and laryngeal trouble, which demands every precaution to avert a relapse, and consequently have been obliged to decline the kind and courteous invitation of the New York Odontological Society to be their guest at the approaching meeting. I lament my inability to be personally present at the said meeting of the Odontological Society, where I might have another opportunity of giving oral expression to sentiments, views, and convictions which I have held, and which I have earnestly sought to teach and enforce in all my private professional intercourse and public positions and relations during nearly five decades of active professional life.

For nearly fifty years I have unceasingly labored to lift American dentistry to the plane of an accepted, recognized, and acknowledged liberal profession,—a profession co-equal in character, in dignity, and general esteem and appreciation with medicine, with general surgery, with law, and with any and all the accepted and accredited departments of science. I have always and everywhere, with word and pen, in public addresses and monographs for the journals, by appeal, by argument, by fierce invective and denunciation, antagonized the irregularities and empiricism that shadowed our pretensions and stained our professional escutcheon.

I have at last the satisfaction of rejoicing in at least the partial fruition of long-deferred but constantly cherished hopes. At last I have lived to see dentistry regularly, formally, and officially adopted and admitted to the fold of *learned and liberal pursuits and callings*. At last the true professional sentiment is asserting itself in our ranks, and finding advocates and exemplars among our most distinguished representatives; and I comfort myself with the reflection that I may yet live to see the “bar sinister” wiped from our armorial ensigns.

I make no fight and have made no war against artisans, tradesmen, or others outside the liberal professions who seek or have availed themselves of patents and the protection of patent laws, to appropriate and make monopolies of their purchased wares, their inventions, and their discoveries, though it must be confessed that in many instances the exactions of such monopolies are most hideous and oppressive; but the legal and often strained moral right is clearly with them. The unprofessional man, the artisan, the inventor, the tradesman, as a rule, have not been the beneficiaries of the schools. They have not “without money and without price” freely drawn upon the accumulated stores and resources of the sciences and professions, of all the ages and all the civilized world. They have taken no “Hippocratic oath,” have pledged fealty to no code of professional ethics, and may, without discredit or dishonor, cover their product with scripts from the Patent Office, and only become culpable by an abuse of their vested monopoly.

The professional man, the physician, the general or the special surgeon, the *dentist*, who conceals or appropriates a discovery, an invention, an instrument, appliance, or an improved method, who compounds a nostrum and dispenses it for his individual profit, or who sells the same for a consideration to another with the design of its being covered by letters patent,—violates and contravenes every principle and sentiment of professional morality, every obligation held sacred by the “code,” every usage and tradition accepted, honored, and observed as the distinguishing characteristic of an elevated and liberal calling.

I will not attempt to supplement the arguments you will address to the Odontological Society of New York; and the limits of such a communication as I am now making afford no opportunity of contrasting the long line of “immortals” who have honored the profession, who have ennobled the true manhood, and who have blessed humanity with their labors and benefactions, and who have accepted the approval of their own consciences and the gratitude of their fellow-men as a full and abundant requital of their grand achievements and priceless bequests, with the selfishness and vulgar cupidity that has shamed our age, and which casts reproach upon our claims to a higher civilization. The ravening beast of prey finds a luscious morsel; he gloats, devours, and shows his teeth and claws to his own whelps and kind. The “Tooth Crown,” the “Rubber,” or other patentee grips his new-found good (or *bad*) thing, and to all comers, even *his whelps* and kind, shows his patent script and demands his tribute coin. This may be sanc-

tioned by the soulless and selfish laws of trade; but by the morals of a "*liberal profession*"—*never*.

To sum up, and conclude: Dentistry is either a trade, with the license of an open and unrestricted business pursuit, or it is one of the "*liberal professions*." If the latter (as no one will now question), it should be regulated and controlled by the laws, usages, and customs that distinguish all other "*liberal professions*;" and from my own apprehension of the subject it is now morally mandatory that dentists, as well as physicians and others, should respect, observe, and conform to those laws, regulations, and usages. As I have said, and now repeat and emphasize, I make no war or fight against inventors, artisans, tradesmen, and merchants; but the professional member of what is recognized as a "*learned and liberal calling*," who appropriates and patents a discovery, invention, an appliance or remedy, or who sells the same to another to be patented and made a monopoly, not only compromises himself, but inflicts a grievous wrong upon society as well as the profession which he has solemnly covenanted to honor, protect, enhance, and improve.

With highest appreciation of your efforts and labors in behalf of dentistry as a "*liberal profession*," and with every wish for the success of the meeting of the Odontological Society of New York,

I have the honor to be, very truly,

Your obedient servant,

W. W. H. THACKSTON.

That all may be clear, I have written to some whose words must carry more weight than mine, and I will read you my letters and the replies received.

My first is from the president of the Congress of American Physicians and Surgeons, president of the Massachusetts Medical Society, professor of surgery in Harvard University, and surgeon to the City Hospital in Boston, to whom I addressed the following letter:

257 ESSEX ST., SALEM, MASS., Feb. 6, 1889.

DR. DAVID W. CHEEVER, Harvard Medical School, Boston, Mass.:

Dear Sir,—I am preparing an address for the New York Odontological Society on "*Professional Atmosphere and Morals*," to be delivered in March next, and shall be much pleased if you will give me for use in it your opinion—as dentistry claims to be a specialty of medicine—on the propriety of its members holding patents on the requirements of its practice, instruments, etc., or being interested in proprietary trade-mark or secret materials or medicines, or encouraging their use, manufacture, or sale. Can its members with due regard for professional independence, honor, and morality, hold positions as teachers in dental schools or colleges, or appear as such at societies or clinics, performing operations or using instruments on which they receive payment, royalty, or commission from makers or companies controlling them? Will the tendency of these things be to create or destroy a liberal profession, and will they, if existing, prevent dentistry advancing to the position of one?

A number of gentlemen wish to bring this matter before those interested in professional questions and the improvement of dentistry. Any help that you can give us will be of value to the profession and aid of us.

Very truly yours,

HORATIO C. MERIAM.

The following is his reply,—dividing the letter into three questions:

238 BOYLSTON ST., BOSTON, Feb. 9, 1889.

HORATIO C. MERIAM, D.M.D., Salem, Mass.:

My dear Doctor,—In reply to your three inquiries in your letter of Feb. 6, I would answer, decidedly:

To the first question, No. To the second question, No. To the third question, Destroy and prevent.

I am very positive that such things would not be tolerated in the medical profession.

Very truly yours, DAVID W. CHEEVER.

A similar letter to one whose name is not unknown to you was replied to as follows:

(Dictated.)

BOSTON, Feb. 8, 1889.

DEAR DR. MERIAM,—It is for the dental profession to settle its own status. Its work is so largely mechanical that it necessarily tempts inventors to seek fortunes through improvements in dental instruments. The more exactly they exclude owners of money-making contrivances who patent their inventions, the better will be their claim to be considered a liberal profession.

Yours very truly, O. W. HOLMES.

From the dean of Harvard Medical School and its professor of physiology was received the following reply:

JAMAICA PLAIN, Feb. 18, 1889.

DEAR DR. MERIAM,—I have received your letter of Feb. 6 asking my opinion on the probable effects upon the dental profession of its members becoming pecuniarily interested in patent processes and materials used in the practice of their art. As a reason for addressing me on this subject you say that "Dentistry claims to be a specialty in medicine."

It seems to me that were this claim generally made and allowed there would be no occasion for discussing the above question, for it would then never occur to a dentist to patent a process for filling a tooth, any more than to a surgeon to patent a method of operating on hernia. It is precisely because so many dentists look upon their business as a trade rather than as a profession that trade methods find so easy application in dentistry. With this tradesman's view it is difficult to find fault. No moral reason can be given why a dentist, if he desires to do so, should not reap the reward of his skill and ingenuity in the same way that is permitted to an engineer or a mechanic. It is only when viewed from the standpoint of a member of a liberal profession that such conduct appears objectionable, for the chief distinction between professional men and traders is that the former are animated by an *esprit de corps*, and work largely for the good of the community, while the latter have, as a rule, no such motive, and work chiefly for their own individual benefit.

It is evident, therefore, that there can be no greater obstacle to the recognition of dentistry as a liberal profession than the interest of the practitioner in secret materials and patent methods. Hence it is clearly the duty of those who desire to see dentistry assume a position as a specialty of medicine to discourage such practices in every possible way. There need be no quarrel with those who see

fit to patent their inventions or to hold patent rights, but it should be distinctly understood that in so doing they are working on lines inconsistent with professional standards. When the lines are thus clearly drawn, the strength of the claim which dentistry may make to be regarded as a liberal profession will be apparent.

You also raise a second and quite a different question, whether a dentist may "properly encourage the use, manufacture, or sale of secret materials or medicines." Here it seems to be more difficult to lay down a general rule, for it may happen that a patented method of filling may be better adapted than any other to a particular case, and the dentist's duty to his patient would then require him to use it, in the same way that a surgeon would not hesitate to use a patent drill if he found it better suited than any other tool for performing a special operation. On the other hand, the general use of patented methods and materials would subject dentists to an intolerable supervision of their practice. Cases of the sort will, however, be of much less frequent occurrence when dentistry takes its place as a specialty of medicine.

With best wishes for your success in agitating this important subject,

Yours very truly, H. P. BOWDITCH.

The dean of the medical school expressed himself more strongly than in his letter, at the recent meeting in celebration of the twentieth anniversary of the dental school, saying that he would use patent instruments that aided him, as he would use a telephone that helped him in teaching physiology, but of course no professional man would be pecuniarily interested in patents on instruments of his profession.

I wrote our hospital in Boston to know if the clinics there are ever used for the purpose of introducing patent instruments, medicines, or operations, secret or proprietary articles, or if instruments are used there on which the surgeons receive a royalty or commission from makers owning patents and controlling them, and if such makers are allowed to influence the appointment of operators at clinics. Are members of the staff obliged to ask permission of each other for liberty to improve instruments, and can makers interfere or prevent their doing so?

This is the reply:

MASSACHUSETTS GENERAL HOSPITAL,
BOSTON, March 11, 1889.

DEAR DR. MERIAM,—The hospital clinics are not used to introduce medicines or instruments. No royalties are received by our surgeons. Members of the staff are not obliged to ask permission to improve instruments.

Yours very truly,
JOHN W. PRATT, Resident Physician.

And lastly I read, because received last, this from Dr. Barrett:

BUFFALO, N. Y., March 14, 1889.

DEAR DR. MERIAM,—I very much regret that it will be absolutely impossible for me to be present at the meeting of the New York Odontological Society on the

19th inst., and to listen to your paper upon "Professional Atmosphere and Morals," for I know it will be an occasion of interest to every one who loves his calling. No dentist can be indifferent to the subject, and it is one upon which I have bestowed much thought. Are we a profession or are we not? If we are or desire to be, our conduct must be regulated by professional methods. If we are a mere trade, the question of professional ethics does not concern us, for there is among intelligent men a distinct line drawn between the methods of conducting a profession and those which are proper to trade. The former has to dispose of the products of his brain, while the latter sells the work of his or another's hands. While both are in one sense alike honorable, the world is accustomed to value the result of mental effort above that of the muscles, and people in trade are permitted a license in disposing of their wares that is denied the professional man. The former offers an article that has a definite commercial value, while the labors of the latter depend wholly upon his professional ability, knowledge, and experience. It can only be measured by methods peculiar to itself, and the honest disposal of mental effort demands a code of its own, entirely distinct from that which governs commercial pursuits. If a man sells a manufactured article of inferior character he is easily detected, and it is possible to make him amenable to a written law. But with the product of men's brains no such exact determination can be made, and therefore each profession is held accountable to an unwritten law, which it is the bounden duty of that profession to enforce.

Among those laws which are common to all the professions is that which prohibits advertising, and all the usual business methods of trade. There must be a line of demarcation drawn somewhere, and it is at this point. The business methods of trade must not be followed if one would have a position in a profession.

It is impossible to formulate a complete code for the regulation of the conduct of a professional man, because professional conduct must be prompted by an innate professional spirit, and what under one condition might be proper, under different circumstances becomes entirely unprofessional.

The fact that dentistry as practiced to-day comprises so much of mere handicraft and manual labor, makes it difficult always to determine what is true professional conduct with us, but this we must accept if we would be classed with professional men: whatever is peculiar to trade must be eliminated. We must cease to be mere manufacturers, ready to seize upon any pretext to obtain or to control patronage; we must frown upon all attempts to monopolize methods and deprive our brother-practitioners of needed facilities and knowledge; we must forsake the methods and ethics of trade, or we must drop to its level. We cannot be professional men and tradesmen at the same time. We must belong to either one class or the other. The other professions cannot and will not, without self-destruction, acknowledge a branch which is not actuated by pure professional instincts and feeling, and which does not sedulously strive to maintain a high professional standing.

Hoping that the coming meeting will serve to make more plain the line between professional and unprofessional conduct,

I am most truly yours,

W. C. BARRETT.

Mr. President, I have heard it urged as a reason for the study of medicine that it offered full opportunity for the free development of all the qualities of the heart, hand, and brain, thus affording an atmosphere that would produce the highest style of man. And here let me quote these words on the purpose of a nation: "For in our

modern thought the nation is the making place of man. Not by the traditions of its history, nor by the splendor of its corporate achievements, nor by the abstract excellencies of its constitution, but by its fitness to make men, to beget and educate human character, to contribute to the complete humanity, the perfect man that is to be, by this alone each nation must be judged to-day. . . .”
 “Show us your man, land cries to land.”

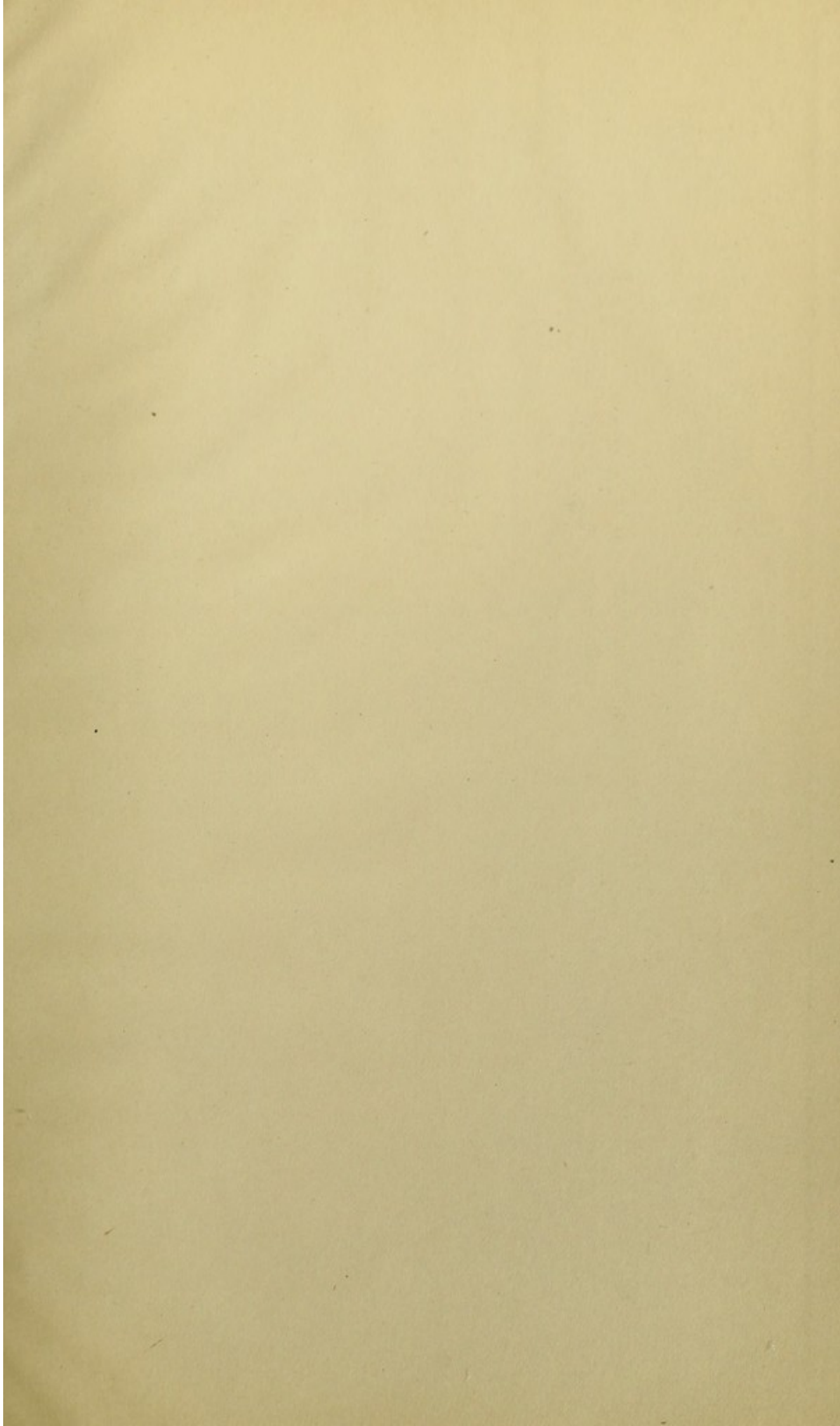
As of a nation, so also of a profession. Not by our degrees and titles, nor recognition by medical gentlemen or medical associations, nor by education, and a special advance in any one field, alone, but by bringing our whole profession into the atmosphere that forms and maintains liberal professions of whatever name, so that we too can show our man. “For the real value” [of a profession like] “a country, must be measured in scales more delicate than the balance of trade. . . .” “On a map of the world you can cover Judea with your thumb, Athens with a finger-tip, and neither of them figures in the ‘Price Current,’ but they still lord it in the thought and action of every civilized man.”

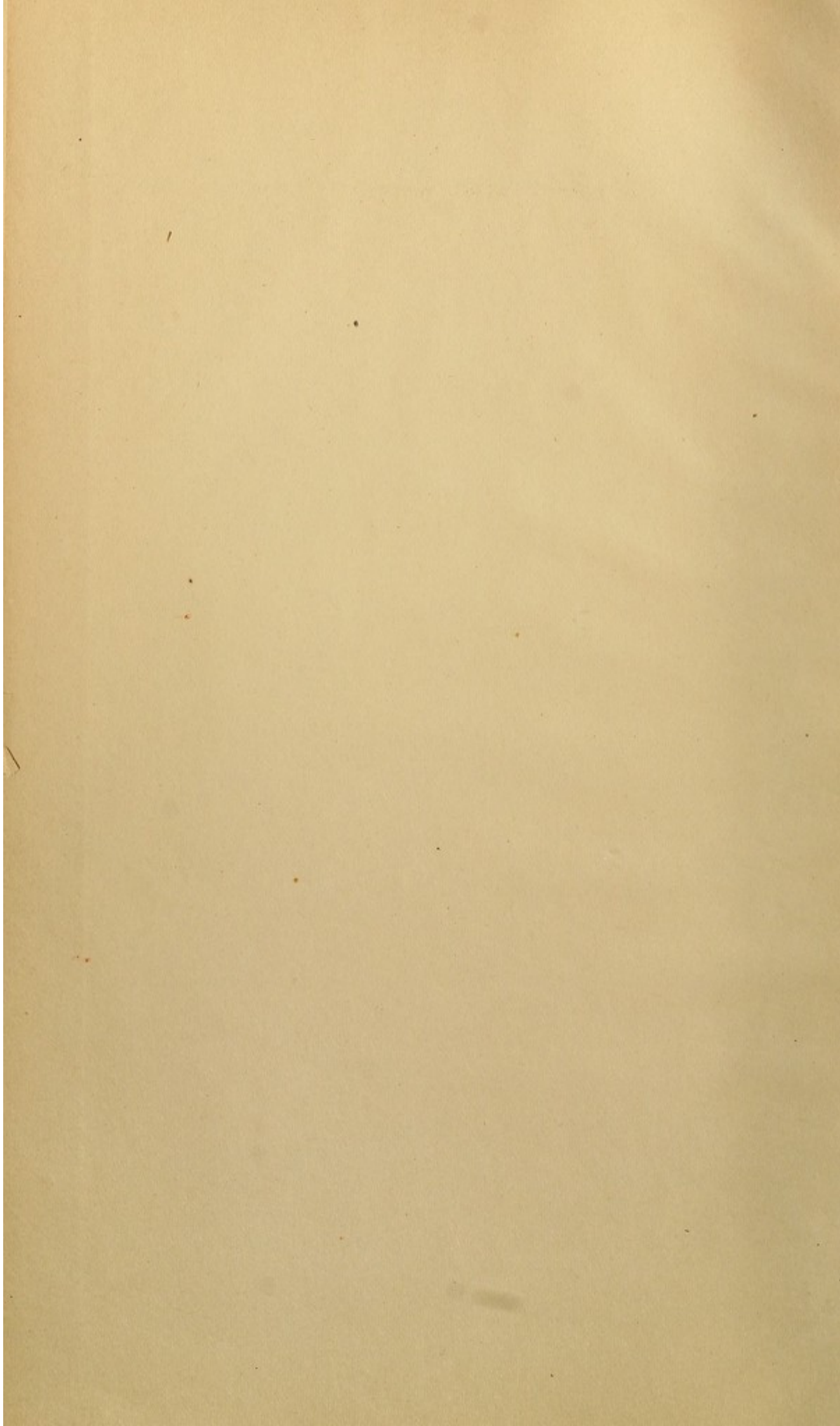
No profession, however useful, can be great or held in honor that does not produce manhood.

Let us be thankful that as we take our way with the Rubber Company of odious memory behind, with the threatenings of the Tooth Crown Company before us, with patented instruments and operations and proprietary materials and “The Combination” on either side, with Judas forever in our midst, that dentistry can answer when called with the name of Barnum, and I would that every dental school in the country had a tablet to his memory.

The minds of us all rise at times above the question of the polish of instruments or the number of square miles covered by show-cases, to consider in what form we shall leave our profession to those who come after us.

The Chinese potter, as he molds the clay prepared for him by his father, neglects not in intervals of his toil to prepare other for the son that is to follow him. Let us so mold what is to be the profession of the future, by daily guarding the practice of our profession, that no future Templar landing on our shore shall find the dentist working with a collar soldered about his neck, although of beautiful workmanship and nickel-plated, bearing on it the inscription, “Wamba, the son of Witless, is the thrall of Cedric of Rotherwood.”







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