

the relation of each department of the law to every other department; practical, so as to appreciate existing defects and the needed remedy. Doctrinaires, jurists, and legal scholars may see, indeed are often the first to see, or to suggest and urge the required changes, but are, generally speaking, incapable of wisely effecting them. With the notable exception of the changes wrought in the law of evidence, Bentham's vast labors bore almost no direct fruit. Austin filled for many years a large space in the field of jurisprudence. My own judgment is that his legal theories have proved to have little intrinsic or permanent value. Though feeling constrained to say this, I must also add that, in my opinion, the world is much indebted to these eminent men for their bold and free criticisms of our laws and for arousing the attention of the bar to the need of amending them, and especially for making some portion at least of the profession in England and this country feel the need of a more scientific jurisprudence. Brougham, Mackintosh, Romilly and Langdale were in a way the disciples of Bentham and Austin, and labored faithfully in the cause of law reform in England. But they went about it in the conservative and timid manner so characteristic of the English mind. Their efforts were confined to single, sporadic, specific ameliorations of certain felt grievances, but their labors proceeded upon no scientific plan to effect comprehensive reforms of either substantive law or of the law of procedure.

Such, roughly sketched, was the general condition of law reform when the late David Dudley Field entered upon the work of law amendment in this country. It seems to me that the career of Mr. Field illustrates several phases of the subject under discussion. For this reason as well as because it is proper that some notice should be taken in this body of the labors of this eminent man, at one time the president of this association, I shall refer for a few moments to the main work of his life and endeavor to draw from it the lessons it teaches. In my judgment, no mere doctrinaire or closet student of our technical system of law is capable of wise and well-directed efforts to amend it. This must be the work of practical lawyers. Mr. Field had this needed qualification for he was throughout his long career at the bar a busy and active practitioner.

When Mr. Field commenced his work of law improvement, the gap between the law as it existed and what the welfare of the