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Introduction to the Montana Field Code

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INTRODUCTION TO THE MONTANA FIELD CODE

The Montana Field Code, enacted over 100 years ago, contains statutes in common law areas such as contracts, torts and property. Unfortunately, many people who are actively involved in legal arenas, including judges and practitioners, are unfamiliar with the Montana Field Code. In an effort to educate people about the Montana Field Code, and because repealing the Montana Field Code appears to be a question that is ripe for legislative review, the Montana Law Review decided to sponsor a debate over the Montana Field Code.

The debate, held on April 7, 2000, addressed the question of whether the Montana Field Code should be repealed. Professor Scott J. Burnham argued in favor of repealing the Montana Field Code. The Honorable James C. Nelson argued against repealing the Montana Field Code. Professor Andrew P. Morriss served as the moderator.

The Montana Field Code section appearing in this volume of the Montana Law Review has two parts. The first part begins with an informative article authored by Professor Andrew P. Morriss that details the history of the Montana Field Code and serves as an introduction to the debate. The questions posed to the two debaters, as well as their transcribed remarks, appear immediately after Professor Morriss' introductory article. The second part of the Montana Field Code section is a reprint of Decius S. Wade's 1894 address to the Helena Bar Association, in which Wade argued for codification of the Field Codes. Wade's reprinted address contains remarks and annotations from Professor Morriss.

The Montana Law Review would like to extend a special thanks to the Honorable James C. Nelson, Professor Scott J. Burnham and Professor Andrew P. Morriss for making the Montana Field Code debate possible. Their participation in the debate and presentation of material made the debate a successful and educational event.