

Roads and Highways. Petition for Road. Qualifications of Petitioners.

The only qualifications necessary to qualify one to sign a petition for a road within a given district are that petitioner be a freeholder of the district, and that his real estate be taxable therein for road purposes.

August 29th, 1913.

Hon. James M. Blackford,
County Attorney Lincoln County,
Libby, Montana.

Dear Sir:

I am in receipt of your letter of recent date, wherein you request an opinion from this office upon the following propositions:

"1. Can John Doe, who lives and resides within the corporate limits of a city situate within a road district, owning real property without the corporate limits of said city but within the road district, sign a road petition?"

"2. Can any person living without a road district, but owning real property therein, taxable therein for road purposes, be a legal signer to a road petition?"

Sec. 1 of Chap. 4 of Chap. 72, Session Laws of the Thirteenth Legislative Assembly, provides:

"Any ten or a majority of the freeholders of a road district taxable therein for road purposes, may petition in writing the board of county commissioners to establish, change or discontinue any common highway therein."

An analysis of this section discloses that the only qualifications necessary to qualify one to sign a petition for a road within any given road district are that petitioner be a freeholder of the road district in question, and that his real estate be taxable therein for road purposes. The question of the residence of a petitioner is immaterial, and so long as he possesses the statutory qualifications herein referred to he may legally sign any petition to establish, change or discontinue any common highway within the district.

Yours very truly,

D. M. KELLY,
Attorney General.