United States Department of the Interior
National Park Service

National Register of Historic Places Registration Form

This form is for use in nominating or requesting determinations for individual properties and districts. See instructions in National Register Bulletin, *How to Complete the National Register of Historic Places Registration Form.* If any item does not apply to the property being documented, enter "N/A" for "not applicable." For functions, architectural classification, materials, and areas of significance, enter only categories and subcategories from the instructions.

1. Name of Property

Historic name: ___Convict Grade Historic District_____

Other names/site number: __Convict Grade/Yellowstone Trail/24PA1148

Name of related multiple property listing**:**

_____N/A_____

(Enter "N/A" if property is not part of a multiple property listing

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2. Location

Street & number: _____One Mile East of Junction of U.S. Highway 89_____

City or town: __Springdale_____ State: _Montana___ County: ____Park_____

Not For Publication: [ ] Vicinity: [x]

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3. State/Federal Agency Certification

As the designated authority under the National Historic Preservation Act, as amended,

I hereby certify that this _x_ nomination ___ request for determination of eligibility meets the documentation standards for registering properties in the National Register of Historic Places and meets the procedural and professional requirements set forth in 36 CFR Part 60.

In my opinion, the property _x_ meets ___ does not meet the National Register Criteria. I recommend that this property be considered significant at the following level(s) of significance:

___national _x_statewide _x_local

Applicable National Register Criteria:

_X_A ___B _X_C ___D

Signature of certifying official/Title:	**Date**
State or Federal agency/bureau or Tribal Government	

In my opinion, the property ___ meets ___ does not meet the National Register criteria.

Signature of commenting official:	**Date**
Title :	**State or Federal agency/bureau or Tribal Government**

4. National Park Service Certification

I hereby certify that this property is:

___ entered in the National Register

___ determined eligible for the National Register

___ determined not eligible for the National Register

___ removed from the National Register

___ other (explain:) _____

Signature of the Keeper Date of Action

5. Classification

Ownership of Property

(Check as many boxes as apply.)

Private:	☐
Public – Local	X
Public – State	☐
Public – Federal	☐

Category of Property

(Check only **one** box.)

Building(s)	☐
District	X
Site	☐
Structure	☐
Object	☐

Number of Resources within Property
(Do not include previously listed resources in the count)

Contributing	Noncontributing	
		buildings
		sites
3		structures
		objects
3	0	Total

Number of contributing resources previously listed in the National Register N/A

6. Function or Use
Historic Functions
(Enter categories from instructions.)
TRANSPORTATION/road-related (vehicular) = Highway

Current Functions
(Enter categories from instructions.)
TRANSPORTATION/road-related (vehicular) = Highway

7. Description

Architectural Classification
(Enter categories from instructions.)
_OTHER-Highway___

Materials: (enter categories from instructions.)
Principal exterior materials of the property: _EARTH, STONE, METAL: Steel_____

Narrative Description
(Describe the historic and current physical appearance and condition of the property. Describe contributing and noncontributing resources if applicable. Begin with **a summary paragraph** that briefly describes the general characteristics of the property, such as its location, type, style, method of construction, setting, size, and significant features. Indicate whether the property has historic integrity.)

Summary Paragraph

The Convict Grade Segment consists of a 2.1-mile linear segment of gravel-surfaced roadway and its associated features within the existing county right-of-way (ROW) in eastern Park County, Montana. Bypassed by U.S. Highway 10 in 1926, the county road has been known historically as Convict Grade since its construction in 1913 by prisoners from the Montana State Penitentiary in Deer Lodge, Montana. The Convict Grade segment begins at Milepost 0.5 where Convict Grade crosses the Shields River. From that point, the road winds to the east, sandwiched between steep sandstone cliffs on the north and the Yellowstone River on the south. In addition to the actual highway, the historic district includes two contributing features: a culvert and a rock retaining wall. Significantly, the rock bluff shows evidence of the blasting and scaling performed by prison labor to construct the roadway in 1913. The linear historic district's eastern terminus is at the intersection of River Run Road at Milepost 2.7 about six miles east of the City of Livingston.

Narrative Description

Convict Grade (one contributing structure)

The Convict Grade Historic District parallels the Yellowstone River for much of its 2.1-mile length. The river to the south and the cliffs and bluffs to the north dictate the alignment of the road. The segment runs in a generally east-west alignment with the Yellowstone River marking the south boundary of the historic district. The minimal south shoulder of the roadway drops precipitously to the river for much of the length of the roadway segment. The cliffs to the north consist of Livingston Formation sediments composed of an "agglomeration" of late Cretaceous sediments and sandstone mixed with volcanic debris ejected from the Elkhorn Mountains volcanoes about 65 million years ago. The eastern 0.9 miles of the historic roadway segment passes through a floodplain, but it still hugs the northern bluffs. Sheep Mountain provides a spectacular backdrop to the district on the north, while the Absaroka Range of the Beartooth Mountains visually dominates the district to the south. Vegetation within the Convict Grade Historic District consists primarily of prairie grasses on the north side of the roadway with riparian vegetation and willows, cottonwoods, conifer trees along the river.[1]

The segment begins at Milepost 0.5 (UTM 12: 541795E/5063766N) at the east end of the Shields River Bridge and proceeds easterly for approximately 2.1 miles to the intersection of River Run Road (UTM 12: 545760E/5064515N) at Milepost 2.6 in Park County, Montana. The roadway squeezes between the bluff and the Yellowstone River beginning at Milepost 0.7 and winds generally eastward following the contours of the bluff to Milepost 2.2.

At Milepost 1.7 (UTM 12:544650E/5064282N), the terrain opens to the south onto a floodplain, which includes the Van Ornum Ranch, the Upper Windsor Ditch, and the Windsor Ranch. Modern homes occupy the north side of the roadway. Although the terrain opens, the roadway continues to hug the side of the bluffs until its terminus (UTM 12: 545760E/5064515N) west of the Windsor Ranch. The road passes an area used primarily for pasturage on the south side of the roadway.

Convict Grade measures 19 feet wide and consists of a two-lane gravel-surfaced road owned and maintained by Park County. The road's historic 1913 alignment remains intact. The defining features of the road segment are the cliffs lining the north side of the roadway from Milepost 0.7 to Milepost 1.7. Construction of the roadway in 1913 required considerable excavation, consisting primarily of rock scaling and, perhaps, dynamite or black powder to create enough space for the existing roadway alignment. For one mile the roadway passes through a narrow corridor defined by the cliffs and the river with the geographical features dictating the alignment of the road. The cliffs still bear the marks of the construction process by which the earthen material was removed to make room for the road.

[1] David Alt and Donald W. Hyndman, *Roadside Geology of Montana*, (Missoula: Mountain Press Publishing, 1986), 184-185.

No modern features exist (i.e. guardrails, bridges or culverts) on this 2.1-mile road segment. However, two historic features are associated with the roadway.

Culvert (Feature 1; one contributing structure)
Located east of the Shields River at Milepost 0.6, the culvert (UTM 12: 541965E/5063714N) consists of a steam boiler adapted for reuse as a culvert. The riveted boiler jacket has been stripped of its tubes and fire box and the ends are cut off, creating a 5-foot diameter culvert. Its previous life as a pressure vessel is evidenced by quadruple rows of 1-inch cone rivets securing the seams. The culvert appears to be primarily used for water, but is large enough for animals to use to cross under the road. The culvert is at the juncture of the Shields River Valley with the Yellowstone River floodplain. It appears likely the feature is associated with the construction of the road in 1913.

Rock retaining wall (Feature 2; one contributing structure)
The rock wall is located along the Yellowstone River just west of the Van Ornum Ranch at Milepost 2.8± (UTM 12: 544537E/ 5064201N). The wall measures 25 feet in height and approximately 40 feet in length. The structure served to support the slope below the road allowing for the road to pass along the edge of the steep river bank. About 60 percent of the wall is covered with dirt, sufficient for grass to colonize. At the base of the V-shaped wall is a 2-foot, corrugated steel pipe of indeterminate age. The wall is uncoursed ashlar with a variety of rock ranging in size from cobble-plus down to large gravel. Because of the disorganized nature of the rock wall, it may have been constructed using machinery instead of hand-stacked. The wall likely dates to the construction of the roadway in 1913.

Integrity
The Convict Grade retains considerable integrity and is identifiable as a convict-built section of road. The State of Montana and counties in western and south central Montana began using convict labor to build roads in 1910. The program accelerated in 1913 with the formation of the Montana State Highway Commission, which oversaw construction on the recently designated state highway system. Early on, however, the State and the counties recognized that convict labor was only cost effective on projects that required extensive excavation of rock and other materials. This 2.1-mile segment of county road exemplifies that process and still displays the handiwork of the state prisoners over a century after the road's construction. Extensive removal of sandstone adjacent to the road was necessary to achieve the width specified by the Park County Commissioners. Because of the constricted terrain at this site, Convict Grade still exhibits the original 1913 alignment established by the county and the work done by the prisoners is evident in the existing pattern of the sandstone cliffs adjacent to the road. Layers of rock had to be removed to achieve the designated road width and the cliffs still display that pattern of rock removal. Also included in the segment are a riveted steel culvert associated with the Convict grade project in 1913 and a rock retaining wall near the eastern end of the construction zone.

8. Statement of Significance

Applicable National Register Criteria
(Mark "x" in one or more boxes for the criteria qualifying the property for National Register listing.)

- [x] A. Property is associated with events that have made a significant contribution to the broad patterns of our history.
- [ ] B. Property is associated with the lives of persons significant in our past.
- [x] C. Property embodies the distinctive characteristics of a type, period, or method of construction or represents the work of a master, or possesses high artistic values, or represents a significant and distinguishable entity whose components lack individual distinction.
- [ ] D. Property has yielded, or is likely to yield, information important in prehistory or history.

Criteria Considerations
(Mark “x” in all the boxes that apply.)

- [ ] A. Owned by a religious institution or used for religious purposes
- [ ] B. Removed from its original location
- [ ] C. A birthplace or grave
- [ ] D. A cemetery
- [ ] E. A reconstructed building, object, or structure
- [ ] F. A commemorative property
- [ ] G. Less than 50 years old or achieving significance within the past 50 years

Areas of Significance
(Enter categories from instructions.)
_Transportation_____
_Engineering_____

Period of Significance
1913-1926_____

Significant Dates
_1913_____

Significant Person
(Complete only if Criterion B is marked above.)

Cultural Affiliation

Architect/Builder
Montana State Penitentiary Convicts/Builders

Statement of Significance Summary Paragraph (Provide a summary paragraph that includes level of significance, applicable criteria, justification for the period of significance, and any applicable criteria considerations.)

The Convict Grade is eligible for the NRHP under Criterion A as an excellent example of a pre-Montana Highway Department designed and built roadway. In 1913, the Park County Commissioners contracted with the Montana State Prison in Deer Lodge to provide convict labor to construct a new road along the Yellowstone River south of the historic Tongue River Road that connected the Gallatin Valley with Fort Keogh in southeastern Montana. The existing alignment and many of the features associated with the road can be attributed to convict construction, specifically the excavation conducted on the bluffs bordering the road. The Convict Grade, as it later became known, became a showcase for the Yellowstone Trail Association and is mentioned frequently in the organization's promotional literature. The segment functioned as a component of US Highway 10 until 1926 when it was bypassed by a new route south of the Yellowstone River.

The Convict Grade is also eligible for the National Register under Criterion C because it retains a high degree of integrity. The road is on its original 1913 alignment and retains the 18-25 foot width specified by Park County in its contract with the State of Montana's Parole Board. Importantly, the 2.1 mile segment is also one of only two places in the state where the work done by prison labor can still be seen in the rock excavation along the north side of the road. The rock removal remains plainly visible to motorists who still use the county road. The setting of the site has not changed dramatically since 1913, the only changes being the construction of residences at the eastern and western extremities of the road segment within the last 25 years. The road retains a high degree of feeling as a gravel-surfaced county road with steep sandstone cliffs and the Yellowstone River bordering the facility. Its association as a convict-built section of road is strong based on the adjoining cliffs that they modified in 1913.

The Convict Grade is important on a local level because of its association with the development of transportation in Park County and also holds significance on a statewide level because of its association with the early twentieth century convict labor program. The period of significance begins with the construction of the road in 1913 and terminates in 1926 when the road ceased being the primary artery with the construction of the highway on the opposite side of the Yellowstone River.

Narrative Statement of Significance (Provide at least **one** paragraph for each area of significance.)

The 2.1-mile long Convict Grade Segment is eligible for listing in the National Register of Historic Places under Criterion A as a significant component of an historic travel corridor in south central Montana. The Yellowstone River served as an ancient travel corridor for Native American Tribes for generations before the arrival of William Clark in 1806. The corridor was also utilized by pilgrims on the Bozeman Trail beginning in 1864 and later by Gallatin Valley entrepreneurs providing supplies to the military posts on the Bozeman Trail in the Powder River

Country. By 1877, the Tongue River Road grew from use on the north side of the Yellowstone River north of Convict Grade. It provided a connection between the Gallatin Valley and Fort Keogh near present Miles City in southeastern Montana. By the early twentieth century it functioned as a county-maintained road as part of the route between Livingston and Billings.

In 1913, the County Commissioners of Park County contracted with the Montana State Penitentiary in Deer Lodge to construct a new road along the Yellowstone River to the standards of the day. The construction of the road coincided with the designation of the route as a component of the Yellowstone Trail, a proposed coast-to-coast automobile highway that provided a connection to Yellowstone National Park. The road segment was critical to the success of the Yellowstone Trail, which consisted of an inter-connected system of county roads. Montana State Penitentiary convicts built the road during the spring and early summer of 1913. The prison labor force worked on the segment that required extensive excavation of rock to make a road wide enough to accommodate two-way traffic. For the most part, the counties used prison labor in areas that required significant amounts of excavation and rock work. When completed, the Yellowstone Trail Association touted the route as Convict Grade, a name it retained ever since. Between 1913 and 1926, when the Montana State Highway Commission ended the convict labor program, prison inmates constructed approximately 230 miles of roadway in western and south central Montana. Under the auspices of the highway commission, prison labor developed many of the road-building methods later utilized by civilian contractors.

Under Criterion C, the road itself illustrates its period of construction and is one of only two remaining examples of a convict-built roadway in Montana.[2] The prison labor-built road continues to follow the 1913 alignment, hemmed in by the proximity of the cliffs and the Yellowstone River. The cliffs show evidence of the excavation work undertaken by the convicts to build the road. The road retains its original width and no modern features exist (i.e. guardrails, culverts and bridges) on this 2.1-mile segment. Convict Grade retains its association as both a county road and as part of the Yellowstone Trail. The setting of the historic road remains largely intact. The rugged nature of the terrain precludes the encroachment of significant modern development on the property.

History

William Clark and several companions, including Sacajawea and her infant son, provided the first written description of this part of the Yellowstone Valley on July 15, 1806:

> [At] the distance of 9 miles below the mountains Shield River discharges itself into the [Yellowstone] on its NW side above a high rocky Clift [sic], the river is 35 yards wide . . . and affords a great quantity of water . . . . [Passed] the creek and over a high rocky high and encamped . . . .

[2] The other example of prisoner-built road in Montana is the route through Yankee Jim Canyon on the west side of the Yellowstone River about 12 miles northwest of Gardiner in Park County. That segment also served as a component of the Yellowstone Trail from 1914 to 1921 when the Montana State Highway Commission built a new road on the east side of the Yellowstone River.

Clark named the river for John Shields, a member of the expedition.[3]

Fur trappers and traders followed hard on Lewis and Clark's trail upon the expedition's return to St. Louis in September 1806. By 1807, the Missouri Fur Company, under the command of Manuel Lisa, established a trading post at the mouth of the Big Horn River about 160 miles east of the Convict Grade. From there, the company's trappers, including former Corps of Discovery member John Colter, explored the Yellowstone River and its surrounding area. The Fort Laramie Treaty of 1851 established much of the Yellowstone Valley as the territory of the Crow Indians. The discovery of gold at Grasshopper Gulch in 1862 and Alder Gulch in 1863 sparked renewed interest in the valley as many gold seekers believed significant gold deposits were located along the Yellowstone River and its tributaries. The gold strikes also compelled John Bozeman and John Jacobs to blaze a new trail to the mining camps in 1863. Called the Bozeman Trail, the first emigrants travelled it in 1864. There were two branches of the road with one branch crossing the Yellowstone near present Billings and following along the north side of the river and a southern branch which crossed the river at a ford a few miles east of Convict Grade. Pressure from the Lakota and Northern Cheyenne Indians, however, closed the road to wagon traffic in 1868. But by then, John Bozeman had been killed either by Blackfeet Indians or his traveling companion on the Yellowstone about ten miles east of the Convict Grade in 1867. The previous year, Nelson Story drove the first Texas cattle herd up the south side of the Yellowstone River.[4]

The Fort Laramie Treaty of 1868 ended hostilities between the Lakota and Northern Cheyenne Indians and the U.S. Army on the Bozeman Trail, forcing the federal government to abandon its military posts there. The treaty also formally established the Crow Reservation in south central Montana. The original boundaries of the reservation encompassed the territory south of the Yellowstone River from where it entered Montana Territory eastward to the crest of the Big Horn Mountains. Within a short time, the federal government began plans to whittle away at the enormous reservation, bowing to pressure from cattle and mining interests. By 1882, the territory south of the Yellowstone across from Convict Grade had been removed from the reservation and opened for non-Indian settlement.[5]

In 1877, Yellowstone Valley rancher William M. Wright petitioned the Gallatin County commissioners to formally establish a county road on the north side of the Yellowstone River between Benson's Landing and points east.[6] Wright came to Bannack in 1863 and then

[3] Gary E. Moulton, Ed., *The Definitive Journals or Lewis & Clark: Over the Rockies to St. Louis*, vol. 8 (Lincoln: University of Nebraska Press, 2002), 186, 187.

[4] Susan Badger Doyle, *Journeys to the Land of Gold: Emigrant Diaries from the Bozeman Trail, 1863-1866*, vol. I (Helena: Montana Historical Society Press, 2000), 39.

[5] Michael P. Malone, Richard B. Roeder, and William L. Lang, *Montana: A History of Two Centuries*, Rev. ed. (Seattle: University of Washington Press, 1992), 122-123.

[6] Benson's Landing was located where the Yellowstone River bends to the east from its course north from present Yellowstone National Park near the future site of Livingston. At Benson's Landing, miners and others traveling east to "the states" beginning in 1873 built Mackinaw boats at the site to float down the Yellowstone River to its confluence with the Missouri River in hopes of catching a steamboat bound downriver. A ferry was also located at the site. Benson's Landing was the site of a small "unsavory" settlement from 1873 until 1882 when the Northern

relocated to Virginia City, where he worked as a miner for a couple years. In 1865, he moved to the Gallatin Valley and worked as a farmer and rancher near Gallatin City at the headwaters of the Missouri River. Sometime in the early 1870s, he moved his operation to the Shields River valley vicinity where "he contested the range for his cattle with the hostile Sioux." Called the Tongue River Road, it provided a connection between the Gallatin Valley and Fort Keogh on the lower Yellowstone River. The road was located about three-quarters of a mile north of Convict Grade. James Ennis operated a toll bridge across the Yellowstone River a short distance to the east of the Convict Grade road in the early 1880s.[7]

Sometime in the early twentieth century, Livingston attorney Dan Yancey met with the Board of County Commissioners to discuss building a road around Sheep Mountain on the north side of the Yellowstone River in the vicinity of Hunter's Hot Springs. In June 1910, Park County Surveyor C. T. Sackett issued a report to the county commissioners about building a road along the base of Sheep Mountain:

> The width of the proposed road will be from 15 to 25 feet, with two passing points about 900 feet apart. It will be possible, however, for teams to pass at many other points on the road. The road will be straightened that, with the exception of two places, it will be visible for several hundred feet. . . . It is proposed to change the grade so that no grade will exceed 5 feet in 100.

The commissioners ordered the County Clerk to advertise for bids for the project. However, it appears that an alternate source of labor became available to the commissioners.[8]

Convict Grade

In July 1912, the Park County commissioners contracted with Frank Conley, the warden of the Montana State Penitentiary in Deer Lodge, to construct four miles of road along the north side of the Yellowstone River, 2.1 miles of which are the subject of this nomination.[9] Conley, a firm believer in work as a method of rehabilitation for prisoners, had been leasing prison convicts to

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Pacific Railway built through the area. Mark H. Brown, *The Plainsmen of the Yellowstone*, (New York: G. P. Putnam's Sons, 1961), 336.

[7] Park County Road Book; M. A. Leeson, *History of Montana, 1739 - 1885*, (Chicago: Warner, Beers & Company, 1885), 1118, 1174; General Land Office Map, 1877, viewed at www.glorecords.blm.gov.

[8] The existing roadway is wide enough for two vehicles to pass. However, wide spots that occur in the road probably were constructed in 1913. United States Census Records, 1910, viewed at www.ancestry.com; County Commissioners Journal, book 3, pp. 89, 101. Clerk and Recorders Office, Park County Courthouse, Livingston, Montana.

[9] A native of Maryland, Frank Conley arrived in Montana in 1880 and became a deputy sheriff in Custer County. In 1886, Conley was hired as a guard at the Deer Lodge penitentiary. In 1890, the State of Montana contracted with Conley and partner Thomas McTague to operate the penitentiary. Conley conceived a plan to utilize convict labor to expand the prison complex, put idle inmates to work, and ease the financial burden of expanding the prison. In 1911, the prison embarked on a significant expansion program. Frank Conley employed convict labor outside the walls to make bricks, work the prison ranches, and build roads. The program survived for a few years after Conley was relieved of his duties at the penitentiary in 1922. The State officially discontinued the use of convict labor on state projects in 1925.

counties in southwestern Montana since April 1910. Conley provided the labor and the guards, but the counties provided the picks, shovels, and other equipment necessary to build a road. In addition, the counties paid the transportation costs for sending the convicts to the job site, paid the guards, and provided the horse teams used in the construction. The prison also provided fifty cents per day per prisoner for food. The convicts worked eight hours a day and were required to take baths twice a week. Three guards oversaw 100 men; none of the guards carried guns. The camps included cooks, "flunkies," a barber, and a laundryman. In 1913, around 300 Montana convicts were available for road work.[10]

Conley's contract with Park County required it to provide the convicts with powder, drills, picks, shovels, scrapers, wagons, and horse teams. It also specified that all bridges and culverts built by the convicts be composed of concrete with the county providing the cement. The county surveyor would stake the route and "prepare profiles of said road showing fills and cuts . . . ." The plans specified that the road would measure 18 to 20-feet wide.[11]

Convicts began work on the road in the spring of 1913. The Bozeman *Republican Courier* reported that month that around forty convicts were at work on the road; they were guarded by four men.

> The road gangsters work, not in stripes, but in ordinary clothing, and their hair is not cropped. The four guards do not make a display of firearms, and about the only significant signs of the camp are the two telephone lines running into the tents of the guards, and connected with the main telephone wires, and the pack of bloodhounds, seven in number, which are kept with the party.

While at work on the road project, the prisoners lived in a tent camp probably located at the west end of the project (closest to the rock excavation area) near the Shields River. Conley assigned guards to the camp based on their ability to maintain order and discipline. The prisoners ate three meals a day, which Conley claimed, were as good as those served in boardinghouses and railroad construction camps. In the evenings, the men listened to live music, read, or staged impromptu singing concerts. Conley believed hygiene was important and he required prisoners to take regular showers. There were no holding cells or manacles in camp, nor the distinctive black-and-white striped uniforms. Prisoners in the road camp wore gray uniforms. Despite the

[10] Albert J. Galen, "Prison Reform and State Aid in Road Construction" in *Proceedings of the Third Annual Convention of the Montana Good Roads Congress held at Anaconda, Montana July 8th and 9th 1912,* (Helena: Montana Lookout, 1912), 24; Board of Prison Commissioners Records. RC 197: Box 72:12. Montana Historical Society Research Center, Helena, Montana; O. T. Peterson, *First Year Book of the Twin Cities-Aberdeen-Yellowstone Park Trail*, (Hettinger, North Dakota: Yellowstone Trail Association, 1914), 21-22; Montana State Highway Commission Meeting Minutes, book 1, pp. 4-5, Montana Department of Transportation, Helena, Montana.

[11] The riveted steel culvert at MP .6 is much larger in diameter than the average concrete culvert built at the time. Galen, "Prison Reform," 27; Doris Whithorn, *Yankee Jim's National Park Toll Road and the Yellowstone Trail*, (Livingston: Privately published, 1989), 36.

relaxed atmosphere of the work camp, two prisoners attempted to escape. They were picked up in nearby Big Timber and returned to the penitentiary in Deer Lodge.[12]

A Park County man named Thompson supervised the work on the road. The newspaper reported that the men were doing "splendid work with heavy rock construction." Indeed, Conley preferred his captive labor pool to build roads through rocky and hilly terrain rather than the flatlands of eastern Montana because it was more profitable for the prison. On the Convict Grade, the men worked six days a week with Mondays off. They carved a road through four miles of "native rock," including rock cuts 18-20 feet deep. In July 1913, a group of fifty "autoists" from the Bozeman and Livingston automobile clubs toured the newly constructed road "where a mountain hitherto impassable even on horseback had been made into a wide, rock-bottom road of small grade along the Yellowstone . . . at a cost of $7,000."[13]

Known as the Convict Grade Road by 1914, it was incorporated into the Yellowstone Trail that year. The trail, a 4,000-mile interstate highway, connected Plymouth, Massachusetts and Seattle, Washington. In 1914, the Yellowstone Trail Association met at Hunter's Hot Springs at the eastern terminus of the Convict Grade section. Considerable promotion of the segment occurred because of the method in which it was built and because of its scenic qualities. The trail association was "very proud of this stretch, and many photographs were taken of the road and the work." The Convict Grade served as part of the Federal Aid highway system until 1926, when the State Highway Commission re-routed the road to the south side of the Yellowstone River and designated US Highway 10. The Convict Grade continues to function as a county road.[14]

Beginning shortly after the completion of Convict Grade, the Montana State Highway Commission assumed administration of the convict road program, working in close collaboration with Warden Conley and the counties who sought their services. Very early in the program, State Highway Commission member George Metlen realized the limitations of the use of convict labor; cost effectiveness occurred only on projects that involved "heavy rock cuts and timber clearing" because of the high overhead charges for the guards and equipment. By 1915, the commission furnished most of the equipment for the convict crews, including picks, shovels, dump wagons, and horse teams. After World War I, however, they became increasingly marginalized in the highway commission's statewide highway program because of the limitations in their use. Indeed, prison road crews worked, for the most part, in western Montana along what would become known as U.S. Highway 10 between Avon and Missoula. Because of

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[12] Whithorn, *Yankee Jim's National Park Toll Road*, 36; Jon Axline, "Building Permanent and Substantial Roads: Prison Labor on Montana's Highways, 1910-1925, *Montana The Magazine of Western History*, vol. 62, no. 2 (Summer 2012), 64-65.

[13] Board of Prison Commissioners; Galen, "Prison Reform," 27; Whithorn, *Yankee Jim's National Park Toll Road*, 36; *Nineteenth Annual Report of the Montana State Prison for the Year Ending November 30, 1914*, (Deer Lodge: Montana State Prison, 1915), 19; George R. Metlen, *Report of the Montana State Highway Commission for the Years 1915-1916*, (Helena: Independent Publishing, 1916), 13; "No Letup in Effort by Park County Men ," *The Anaconda Standard*, 14 December 1913.

[14] Harold A. Meeks, *On the Road to Yellowstone: The Yellowstone Trail and American Highways, 1900-1930*, (Missoula: Pictorial Histories, 2000), 115; *Report of State Highway Commission of Montana for Period Ending December 1928*, (Helena: State Highway Commission, 1928), 26; "The New Spirit for Better Roads," *The Livingston Post*, 22 May 1912.

increased opposition from labor unions and the fact that convict road crews became less cost effective, the highway commission terminated the program in 1925.[15]

Engineering Significance

From 1910 until 1925, prison labor built over 230 miles of roadway mostly in western Montana. Warden Frank Conley and the State Prison Board intended the work as rehabilitation for the men and to instill a sense of self-respect and self-esteem in them. Early in the program, however, Conley and the Prison Board realized that convict labor was most cost effective on road projects that involved a significant amount of excavation work. Consequently, convict-built projects commonly involved building roads in rugged terrain where no road had existed before. The work was difficult and usually involved primarily pick and shovel work with little to no power equipment. Convict Grade is an excellent example of this policy and construction methods. Prison labor constructed Convict Grade entirely by hand without the benefit of power equipment or dynamite. The road bypassed the old wagon route north of the Yellowstone River and was built on an entirely new alignment through sandstone bluffs adjacent to the Yellowstone River. It is representative of the type of work conducted by prison labor and the segment shows the evidence of how they constructed the road by scaling the rock to create an important and scenic link in Park County's transportation system at the dawn of the automobile age.[16]

[15] George R. Metlen, *Report of the Montana Highway Commission for Years 1913-1914*, (Helena: Montana State Highway Commission, 1914), 14; Jon Axline, "Building Permanent and Substantial Roads: Prison Labor on Montana's Highways, 1910-1925," *Montana The Magazine of Western History*, vol. 62, no. 2 (Summer 2012), 63-65.

[16] Scaling is a process by which, through the use of wedges, pry bars, and other tools, that rock is removed in layers from a cliff or other surface.

9. Major Bibliographical References

Bibliography (Cite the books, articles, and other sources used in preparing this form.)

Axline, Jon. "Building Permanent and Substantial Roads: Prison Labor on Montana's Highways, 1910-1925." *Montana The Magazine of Western History*. Vol. 62, no. 2 (Summer 2012).

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Previous documentation on file (NPS):

____ preliminary determination of individual listing (36 CFR 67) has been requested
____ previously listed in the National Register
____previously determined eligible by the National Register
____designated a National Historic Landmark
____ recorded by Historic American Buildings Survey #_____
____recorded by Historic American Engineering Record # _____
____ recorded by Historic American Landscape Survey # _____

Primary location of additional data:

____ State Historic Preservation Office
__X_ Other State agency
____ Federal agency
____ Local government
____ University
____ Other
Name of repository: _Montana Department of Transportation_____

Historic Resources Survey Number (if assigned): _____

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10. Geographical Data

Acreage of Property _____64_____

Use either the UTM system or latitude/longitude coordinates

Latitude/Longitude Coordinates
Datum if other than WGS84:_____
(enter coordinates to 6 decimal places)

1. (west end of property) Latitude: 45.726187 Longitude: 110.462881

2. (east end of property) Latitude: 45.732670 Longitude: 110.411860

Or
UTM References
Datum (indicated on USGS map):

[ ] NAD 1927 or [X] NAD 1983

1. (west end of property) Zone: 12 Easting: 541795 Northing: 5063766

2. (east end of property) Zone: 12 Easting: 545760 Northing: 5064515

Verbal Boundary Description (Describe the boundaries of the property.)

The Convict Grade Historic District in Park County begins at UTM 12: 541795E / 5063766N (T1S R10E, Section 26) at the east end of the Shields River Bridge. It proceeds in an easterly direction paralleling the Yellowstone River to its terminus at UTM 12: 545760/5064515 (T1S R11E, Section 19), west of the Windsor Ranch.

Boundary Justification (Explain why the boundaries were selected.)

The boundary is drawn, based on the existing alignment of the Park County road known as Convict Grade and the Right-of-Way on either side of it for a corridor width of 60 feet. The boundary allows the property to retain its historic setting. The boundary includes only that part of Convict Grade owned by Park County. That ownership area is delineated by barbed wire fences, rock cliff, and the Yellowstone River.

11. Form Prepared By

name/title: Jon Axline/Historian
organization: Montana Department of Transportation
street & number: 2701 Prospect Avenue
city or town: Helena state: MT zip code: 59620
e-mail jaxline@mt.gov
telephone: (406) 444-6258
date: June 2015

Property Owner:
(Complete this item at the request of the SHPO or FPO.)

name Park County
street & number 414 East Callender Street telephone (406) 222-4106
city or town Livingston state MT zip code 59947-2799

Additional Documentation

Submit the following items with the completed form:

- **Maps:** A **USGS map** or equivalent (7.5 or 15 minute series) indicating the property's location.

- **Sketch map** for historic districts and properties having large acreage or numerous resources. Key all photographs to this map.

- **Additional items:** (Check with the SHPO, TPO, or FPO for any additional items.)

Photographs

Submit clear and descriptive photographs. The size of each image must be 1600x1200 pixels (minimum), 3000x2000 preferred, at 300 ppi (pixels per inch) or larger. For simplicity, the name of the photographer, photo date, etc. may be listed once on the photograph log and doesn't need to be labeled on every photograph.

Photo Log

Name of Property:

City or Vicinity:

County: State:

Photographer:

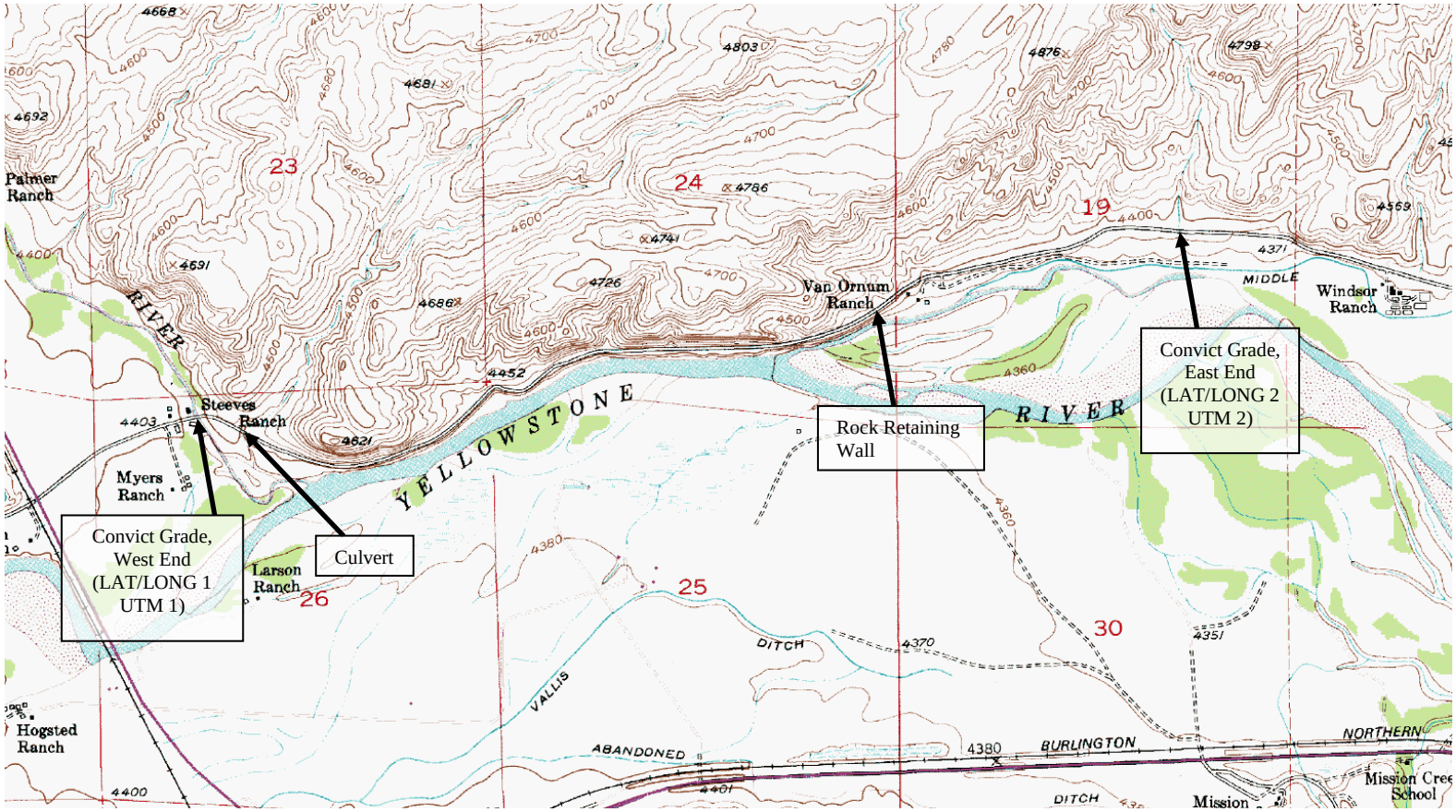
Date Photographed:

Description of Photograph(s) and number, include description of view indicating direction of camera:

1 of ___.

Please See Continuation Sheets

Paperwork Reduction Act Statement: This information is being collected for applications to the National Register of Historic Places to nominate properties for listing or determine eligibility for listing, to list properties, and to amend existing listings. Response to this request is required to obtain a benefit in accordance with the National Historic Preservation Act, as amended (16 U.S.C.460 et seq.).
Estimated Burden Statement: Public reporting burden for this form is estimated to average 100 hours per response including time for reviewing instructions, gathering and maintaining data, and completing and reviewing the form. Direct comments regarding this burden estimate or any aspect of this form to the Office of Planning and Performance Management. U.S. Dept. of the Interior, 1849 C. Street, NW, Washington, DC.



Location of Convict Grade. Found on the Mission, MT 1952 (Photorevised 1981) 7.5' quadrangle map.

Photograph Log

Name: Convict Grade
County and State: Park County, Montana
Photographer: Jon Axline
Date of Photograph: May 2014
Location of original negative: Montana Department of Transportation
Description and view of camera: West end of Convict Grade Segment, MP 0.45. View to the east.
Photograph: 0001
MT_ParkCounty_ConvictGrade_0001

Name: Convict Grade
County and State: Park County, Montana
Photographer: Jon Axline
Date of Photograph: May 2014
Location of original negative: Montana Department of Transportation. Helena, Montana.
Description and view of camera: Riveted Steel Culvert, MP 0.5. View to the east-southeast.
Photograph: 0002
MT_ParkCounty_ConvictGrade_0002

Name: Convict Grade
County and State: Park County, Montana
Photographer: Jon Axline
Date of Photograph: August 2014
Location of original negative: Montana Department of Transportation. Helena, Montana.
Description and view of camera: Convict Grade, MP 0.6. View to the east.
Photograph: 0003
MT_ParkCounty_ConvictGrade_0003

Name: Convict Grade
County and State: Park County, Montana
Photographer: Jon Axline
Date of Photograph: August 2014
Location of original negative: Montana Department of Transportation. Helena, Montana.
Description and view of camera: Convict Grade, MP 0.7. View to the east.
Photograph: 0004
MT_ParkCounty_ConvictGrade_0004

Name: Convict Grade
County and State: Park County, Montana
Photographer: Jon Axline
Date of Photograph: August 2014
Location of original negative: Montana Department of Transportation. Helena, Montana.
Description and view of camera: Detail of scaled rocks at MP 0.7. View to the northeast.
Photograph: 0005
MT_ParkCounty_ConvictGrade_0005

Name: Convict Grade
County and State: Park County, Montana
Photographer: Jon Axline
Date of Photograph: August 2014
Location of original negative: Montana Department of Transportation. Helena, Montana.
Description and view of camera: Detail of scaled rocks at MP 0.7. View to the northwest.
Photograph: 0006
MT_ParkCounty_ConvictGrade_0006

Name: Convict Grade
County and State: Park County, Montana
Photographer: Jon Axline
Date of Photograph: August 2014
Location of original negative: Montana Department of Transportation. Helena, Montana.
Description and view of camera: Convict Grade, MP 0.7. View to the east.
Photograph: 0007
MT_ParkCounty_ConvictGrade_0007

Name: Convict Grade
County and State: Park County, Montana
Photographer: Jon Axline
Date of Photograph: August 2014
Location of original negative: Montana Department of Transportation. Helena, Montana.
Description and view of camera: Detail of scaled rock, MP 0.8. View to the north.
Photograph: 0008
MT_ParkCounty_ConvictGrade_0008

Name: Convict Grade
County and State: Park County, Montana
Photographer: Jon Axline
Date of Photograph: August 2014
Location of original negative: Montana Department of Transportation. Helena, Montana.
Description and view of camera: Convict Grade, MP 0.8. View to the east.
Photograph: 0009
MT_ParkCounty_ConvictGrade_0009

Name: Convict Grade
County and State: Park County, Montana
Photographer: Jon Axline
Date of Photograph: August 2014
Location of original negative: Montana Department of Transportation. Helena, Montana.
Description and view of camera: Convict Grade, MP 0.9. View to the west.
Photograph: 0010
MT_ParkCounty_ConvictGrade_0010

Name: Convict Grade
County and State: Park County, Montana
Photographer: Jon Axline
Date of Photograph: August 2014
Location of original negative: Montana Department of Transportation, Helena, Montana.
Description and view of camera: Convict Grade, MP 0.9. View to the east.
Photograph: 0011
MT_ParkCounty_ConvictGrade_0011

Name: Convict Grade
County and State: Park County, Montana
Photographer: Jon Axline
Date of Photograph: August 2014
Location of original negative: Montana Department of Transportation. Helena, Montana
Description and view of camera: Convict Grade, MP 1.3. View to the east.
Photograph: 0012
MT_ParkCounty_ConvictGrade_0012

Name: Convict Grade
County and State: Park County, Montana
Photographer: Jon Axline
Date of Photograph: August 2014
Location of original negative: Montana Department of Transportation. Helena, Montana.
Description and view of camera: Detail of scaled rock, MP 1.5. View to the north.
Photograph: 0013
MT_ParkCounty_ConvictGrade_0013

Name: Convict Grade
County and State: Park County, Montana
Photographer: Jon Axline
Date of Photograph: August 2014
Location of original negative: Montana Department of Transportation. Helena, Montana.
Description and view of camera: Convict Grade, MP 1.5. View to the east.
Photograph: 0014
MT_ParkCounty_ConvictGrade_0014

Name: Convict Grade
County and State: Park County, Montana
Photographer: Jon Axline
Date of Photograph: August 2014
Location of original negative: Montana Department of Transportation. Helena, Montana.
Description and view of camera: Convict Grade and scaled rock, MP 1.55. View to the northeast.
Photograph: 0015
MT_ParkCounty_ConvictGrade_0015

Name: Convict Grade
County and State: Park County, Montana
Photographer: Jon Axline
Date of Photograph: August 2014
Location of original negative: Montana Department of Transportation. Helena, Montana.
Description and view of camera: Convict Grade, MP 1.58±. View to the west.
Photograph: 0016
MT_ParkCounty_ConvictGrade_0016

Name: Convict Grade
County and State: Park County, Montana
Photographer: Jon Axline
Date of Photograph: August 2014
Location of original negative: Montana Department of Transportation. Helena, Montana.
Description and view of camera: Convict Grade, MP 1.6. View to the east.
Photograph: 0017
MT_ParkCounty_ConvictGrade_0017

Name: Convict Grade
County and State: Park County, Montana
Photographer: Unknown
Date of Photograph: Summer 1913
Location of original negative: Unknown.
Description and view of camera: Historic photo of Convict Grade, Summer 1913 at MP 1.65±. View to the east.
Photograph: 0018
MT_ParkCounty_ConvictGrade_0018

Name: Convict Grade
County and State: Park County, Montana
Photographer: Jon Axline
Date of Photograph: August 2014
Location of original negative: Montana Department of Transportation. Helena, Montana.
Description and view of camera: Convict Grade, MP 1.65±. View to the east.
Photograph: 0019
MT_ParkCounty_ConvictGrade_0019

Name: Convict Grade
County and State: Park County, Montana
Photographer: Jon Axline
Date of Photograph: August 2014
Location of original negative: Montana Department of Transportation. Helena, Montana.
Description and view of camera: Convict Grade, MP 1.67±. View to the east.
Photograph: 0020
MT_ParkCounty_ConvictGrade_0020

Name: Convict Grade
County and State: Park County, Montana
Photographer: Jon Axline
Date of Photograph: August 2014
Location of original negative: Montana Department of Transportation. Helena, Montana.
Description and view of camera: Convict Grade, MP 1.7. View to the west.
Photograph: 0021
MT_ParkCounty_ConvictGrade_0021

Name: Convict Grade
County and State: Park County, Montana
Photographer: Jon Axline
Date of Photograph: August 2014
Location of original negative: Montana Department of Transportation. Helena, Montana.
Description and view of camera: Convict Grade, MP 1.8. View to the east.
Photograph: 0022
MT_ParkCounty_ConvictGrade_0022

Name: Convict Grade
County and State: Park County, Montana
Photographer: Jon Axline
Date of Photograph: August 2014
Location of original negative: Montana Department of Transportation. Helena, Montana.
Description and view of camera: Detail of rock scaling, MP 1.85. View to the northeast.
Photograph: 0023
MT_ParkCounty_ConvictGrade_0023

Name: Convict Grade
County and State: Park County, Montana
Photographer: Jon Axline
Date of Photograph: August 2014
Location of original negative: Montana Department of Transportation. Helena, Montana.
Description and view of camera: Convict Grade, MP 1.85. View to the east.
Photograph: 0024
MT_ParkCounty_ConvictGrade_0024

Name: Convict Grade
County and State: Park County, Montana
Photographer: Jon Axline
Date of Photograph: August 2014
Location of original negative: Montana Department of Transportation. Helena, Montana.
Description and view of camera: Convict Grade, MP 2.0. View to the west.
Photograph: 0025
MT_ParkCounty_ConvictGrade_0025

Name: Convict Grade
County and State: Park County, Montana
Photographer: Jon Axline
Date of Photograph: August 2014
Location of original negative: Montana Department of Transportation. Helena, Montana.
Description and view of camera: Detail of scaled rocks, MP 2.0. View to the north.
Photograph: 0026
MT_ParkCounty_ConvictGrade_0026

Name: Convict Grade
County and State: Park County, Montana
Photographer: Jon Axline
Date of Photograph: August 2014
Location of original negative: Montana Department of Transportation. Helena, Montana.
Description and view of camera: Convict Grade, MP 2.05. View to the west.
Photograph: 0027
MT_ParkCounty_ConvictGrade_0027

Name: Convict Grade
County and State: Park County, Montana
Photographer: Jon Axline
Date of Photograph: August 2014
Location of original negative: Montana Department of Transportation. Helena, Montana.
Description and view of camera: Convict Grade, MP 2.1. View to the east.
Photograph: 0028
MT_ParkCounty_ConvictGrade_0028

Name: Convict Grade
County and State: Park County, Montana
Photographer: Dale Gray
Date of Photograph: March 2009
Location of original negative: Montana Department of Transportation. Helena, Montana.
Description and view of camera: Convict Grade, MP 2.65. View to the north.
Photograph: 0029
MT_ParkCounty_ConvictGrade_0029

Name: Convict Grade
County and State: Park County, Montana
Photographer: Jon Axline
Date of Photograph: August 2014
Location of original negative: Montana Department of Transportation. Helena, Montana.
Description and view of camera: End of Convict Grade Segment, MP 2.7. View to the west.
Photograph: 0030
MT_ParkCounty_ConvictGrade_0030

Photo 0001. West end of Convict Grade Segment, MP 0.45. View looking east.

Photo 0002. Riveted Steel Culvert, MP 0.5. View to east-southeast.

Photo 0003. Convict Grade, MP 0.6. View to the east.

Photo 0004. Convict Grade, MP 0.7. View to the east.

Photo 0005. Detail of rock scaling, MP 0.7. View to the northeast.

Photo 0006. Detail of rock scaling, MP 0.7. View to the northwest.

Photo 0007. Convict Grade, MP 0.7. View to the east.

Photo 0008. Detail of scaled rock, MP 0.8. View to the north.

Photo 0009. Convict Grade, MP 0.8. View to the east.

Photo 0010. Convict Grade, MP 0.9. View to the west.

Photo 0011. Convict Grade, MP 0.9. View to the east.

Photo 0012. Convict Grade, MP 1.3. View to the east.

Photo 0013. Detail of scaled rock, MP 1.5. View to the north.

Photo 0014. Convict Grade, MP 1.5. View to the east.

Photo 0015. Convict grade and scaled rock, MP 1.55. View to the northeast.

Photo 0016. Convict Grade, MP 1.58±. View to the west.

Photo 0017. Convict Grade, MP 1.6. View to the east.

Photo 0018. Historic photograph of Convict Grade, Summer 1913 at MP 1.65±. View to the east.

Photo 0019. Convict Grade, MP 1.65±. View to the east.

Photo 0020. Convict Grade, MP 1.67±. View to the east.

Photo 0021. Convict Grade, MP 1.7. View to the west.

Photo 0022. Convict Grade, MP 1.8. View to the east.

Photo 0023. Detail of rock scaling, MP 1.85. View to the northeast.

Photo 0024. Convict Grade, MP 1.85. View to the east.

Photo 0025. Convict Grade, MP 2.0. View to the west.

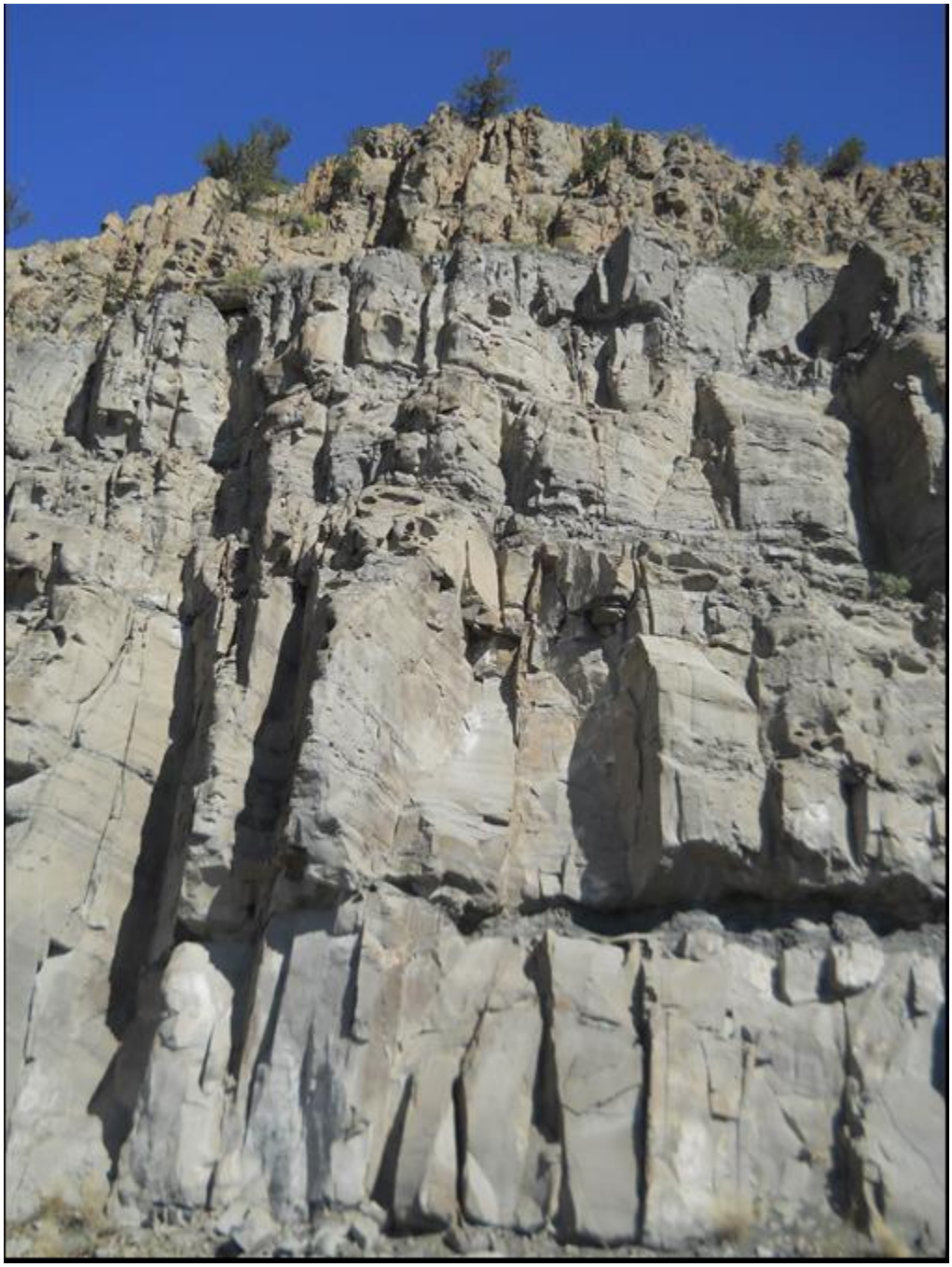


Photo 0026. Detail of rock scaling, MP 2.0. View to the north.

Photo 0027. Convict Grade, MP 2.05. View to the west.

Photo 0028. Convict Grade, MP 2.1. View to the east.

Photo 0029. Rock Retaining Wall, MP 2.65. View to the north.

Photo 0030. East end of Convict Grade Segment, MP 2.7. View to the west.