

DATE: October 5, 2010
TO: Catherine Haberland; Cheryll Olson-Collins
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SUBJECT: Railroad Records

1. An examination of the Railroad Records reveals eight distinct types of records on file with the division, namely:

- Railroad Mortgages & Trust Deeds
- Railroad Patents
- Railroad Incorporations & Resolutions
- Index to Vols. 9 & 10 of Railroad Incorporations & Resolutions
- Railroad Index
- Corporation Document Files
- Railroad Stockholders
- UCC Filings

2. ACTIVE RECORDS

Railroad Mortgages & Trust Deeds continue to be filed with the department. The records are maintained in bound volumes thru Vol. 52; thereafter, as loose sheets, page-numbered and collected in storage boxes as "volumes". The current open volume is Vol. 58.

The Railroad Index currently in use represents the third iteration of this index. It serves a dual function as both an index and a journal – as an index because the pages are alphabetically arranged by railroad name and as a journal because the entries for each railroad are recorded chronologically. The entries include UCC filings, mortgages, resolutions and charter documents. This combination recording mechanism made it possible to abandon the maintenance of separate volume and index for Railroad Incorporations & Resolutions, where the last entry was made in 1967.

Corporation Document Files – Individual Railroads are used to store charter document, resolutions, mortgages or other instruments filed with respect to individual railroads. Charter documents appear only rarely, but mortgages, resolutions, etc. appear regularly.

UCC Filings are indexed in the Railroad Index, as well as in the electronic UCC records. Consult with UCC for particulars on these records.

3. INACTIVE RECORDS

No Railroad Patents appear to have been issued after 1929. Presumably the recitation in the Patent of the corporation's operating authority also appears in at least as great a detail in its articles of incorporation, maintained in Corporation Document File – Individual Railroads. This

record might be suitable for retirement to the State Archives, on the condition that it is preserved permanently.

The use of a separate volume for recording Railroad Incorporations and Resolutions appears to have been abandoned in 1967. No entries appear in the final Vol. 10 after 1967. Certainly transactions of this nature have occurred subsequently, but apparently have been recorded directly in the Railroad Index. A flyleaf notation in the current Railroad Index states "Articles of Association & Indexes 1848 – 1893 State Historical Society, Secretary of State Record Series #350." This may account for the current location of Vols. 1 thru 7 of this record series. Vols. 8, 9 & 10, and their corresponding Indexes, might also be retired to the State Archives for permanent preservation.

Vols. 1 & 2 of Central Index to Railroads were effectively closed with the creation of the current Railroad Index. Vol. 2 appears to contain all the data originally appearing in Vol. 1, and Railroad Index likewise appears to contain all the data collected in Vol. 2. The final entries in Vol. 2 are dated in 1973. These volumes might be suited for retirement to State Archives following the creation of an electronic index to replace the current book-form Railroad Index.

I find no express provision in Ch. 190 requiring the filing of a list of Railroad Stockholders with the department, which causes me to suspect that the three items in this record series are supporting documentation to some railroad merger, consolidation or resolution filing. It is hard to perceive these lists as having any current reference value in themselves and, accordingly, they may be suited for retirement to State Archives.