



# **A treatise on the law of municipal corporations**

## **Volume 2,**

*Eugene Mcquillin*

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## **A treatise on the law of municipal corporations Volume 2, Eugene Mcquillin**

This historic book may have numerous typos and missing text. Purchasers can download a free scanned copy of the original book (without typos) from the publisher. Not indexed. Not illustrated. 1911 Excerpt: ...6, 16; Stoughton v. Atherton, 12 Met. (Mass.) 105, 113. 52. Mandatory provision as to keeping record. "When the law requires municipal bodies to keep records of their official action in the legislative business conducted at their meetings, the whole policy of the law would be defeated if they could rest partly in writing and partly in parol, and the true official history of their acts would perish with the living witnesses, or fluctuate with their conflicting memories." Per Campbell, J., in Stevenson v. Bay City, 26 Mich. 44, 46. § 625. Same subject--imperfect record--rights of creditors. Since the rights of creditors and third persons cannot be prejudiced by the entire absence of all record, as stated in the last section, such rights will not be destroyed by the neglect of the corporate officers to keep a proper record.<sup>63</sup> As declared in a New Jersey case, the rights of creditors cannot be made to depend "upon the regularity with which the minutes of the city council are kept, nor whether they are kept at all."<sup>54</sup> Thus, where the records are kept in an imperfect manner, and there is no written evidence in existence to prove that certain work was done by authority of the council, parol evidence will be admissible to prove that fact.<sup>65</sup> So the passage and existence of an ordinance under which a contractor made large expenditures may be shown by parol testimony where the city fails to keep a record of its ordinances.<sup>56</sup> So parol evidence is admissible to show 53. First Nat. Bk. v. Randall, 1 White & W. Civ. Cas. Ct. App. (Tex.), § 971; Blair v. Cary, 24 Ohio Cir. Ct. Rep. 560. What the council in fact did may be shown by evidence aliunde the record kept by it. Bridgeford v. Tuscumbia, 16 Fed. 910, 913, 4 Woods C. C. 611. 54. Per ...

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