



# Municipal Corporations Act 1882

## 1882 CHAPTER 50

### PART II

#### CONSTITUTION AND GOVERNMENT OF BOROUGH.

##### *Corporate Name.*

#### **8 Name of municipal corporation.**

The municipal corporation of a borough shall bear the name of the mayor, aldermen, and burgesses of the borough, or, in the case of a city, the mayor, aldermen, and citizens of the city.

##### *Burgesses.*

#### **9 Qualification of burgess.**

- (1) A person shall not be deemed a burgess for any purpose of this Act unless he is enrolled as a burgess.
- (2) A person shall not be entitled to be enrolled as a burgess unless he is qualified as follows :
  - (a) Is of full age ; and
  - (b) Is on the fifteenth of July in any year, and has been during the whole of the then last preceding twelve months, in occupation, joint or several, of any house, warehouse, counting-house, shop, or other building, (in this Act referred to as qualifying property) in the borough ; and
  - (c) Has during the whole of those twelve months resided in the borough, or within seven miles thereof; and
  - (d) Has been rated in respect of the qualifying property to all poor rates made during those twelve months for the parish wherein the property is situate ; and

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- (e) Has on or before the twentieth of the same July paid all such rates, including borough rates (if any), as have become payable by him in respect of the qualifying property up to the then last preceding fifth of January.
- (3) Every person so qualified shall be entitled to be enrolled as a burgess, unless he—
- (a) Is an alien; or
  - (b) Has within the twelve months aforesaid received union or parochial relief or other alms ; or
  - (c) Is disqualified under any Act of Parliament.

*Council; Mayor, Aldermen, and Councillors.*

## **10 Constitution of council.**

- (1) The municipal corporation of a borough shall be capable of acting by the council of the borough, and the council shall exercise all powers vested in the corporation by this Act or otherwise.
- (2) The council shall consist of the mayor, aldermen, and councillors.

## **11 Qualification of councillor.**

- (1) The councillors shall be fit persons elected by the burgesses.
- (2) A person shall not be qualified to be elected or to be a councillor, unless he—
  - (a) Is enrolled and entitled to be enrolled as a burgess ; or
  - (b) Being entitled to be so enrolled in all respects except that of residence, is resident beyond seven miles but within fifteen miles of the borough, and is entered in the separate non-resident list directed by this Act to be made ; and
  - (c) In either of those cases, is seised or possessed of real or personal property or both, to the value or amount, in the case of a borough having four or more wards, of one thousand pounds, and in the case of any other borough, of five hundred pounds, or is rated to the poor rate in the borough, in the case of a borough having four or more wards, on the annual value of thirty pounds, and in the case of any other borough of fifteen pounds.
- (3) Provided, that every person shall be qualified to be elected and to be a councillor, who is, at the time of election, qualified to elect to the office of councillor ; which last-mentioned qualification for being elected shall be alternative for and shall not repeal or take away any other qualification.
- (4) But if a person qualified under the last foregoing proviso ceases for six months to reside in the borough, he shall cease to be qualified under that proviso, and his office shall become vacant, unless he was at the time of his election and continues to be qualified in some other manner.

## **12 Disqualifications for being councillor.**

- (1) A person shall be disqualified for being elected and for being a councillor, if and while he—

- (a) Is an elective auditor or a revising assessor, or holds any office or place of profit, other than that of mayor or sheriff, in the gift or disposal of the council; or
  - (b) Is in holy orders, or the regular minister of a dissenting congregation; or
  - (c) Has directly or indirectly, by himself or his partner, any share or interest in any contract or employment with, by, or on behalf of the council:
- (2) But a person shall not be so disqualified, or be deemed to have any share or interest in such a contract or employment, by reason only of his having any share or interest in—
- (a) Any lease, sale, or purchase of land, or any agreement for the same; or
  - (b) Any agreement for the loan of money, or any security for the payment of money only ; or
  - (c) Any newspaper in which any advertisement relating to the affairs of the borough or council is inserted ; or
  - (d) Any company which contracts with the council for lighting or supplying with water or insuring against fire any part of the borough ; or
  - (e) Any railway company, or any company incorporated by Act of Parliament or Royal charter, or under the Companies Act, 1862.

**13. Term of office and rotation of councillors.**

- (1) The term of office of a councillor shall be three years.
- (2) On the ordinary day of election of councillors in every year one third of the whole number of councillors for the borough or for the ward, as the case may be, shall go out of office, and their places shall be filled by election.
- (3) The third to go out shall be the councillors who have been longest in office without re-election.

**14 Number, term of office, and rotation of aldermen.**

- (1) The aldermen shall be fit persons elected by the council.
- (2) The number of aldermen shall be one third of the number of councillors.
- (3) A person shall not be qualified to be elected or to be an alderman unless he is a councillor or qualified to be a councillor.
- (4) If a councillor is elected to, and accepts, the office of alderman he vacates his office of councillor.
- (5) The term of office of an alderman shall be six years.
- (6) On the ordinary day of election of aldermen in every third year one half of the whole number of aldermen shall go out of office, and their places shall be filled by election.
- (7) The half to go out shall be those who have been aldermen for the longest time without re-election.

**15 Qualification, term of office, salary, precedence, and powers of mayor.**

- (1) The mayor shall be a fit person elected by the council from among the aldermen or councillors or persons qualified to be such.

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- (2) An outgoing alderman is eligible.
- (3) The term of office of the mayor shall be one year, but he shall continue in office until his successor has accepted office and made and subscribed the required declaration.
- (4) He may receive such remuneration as the council think reasonable.
- (5) He shall, subject to the provisions of this Act respecting justices, have precedence in all places in the borough.
- (6) The mayor of a borough named in the schedules to the Municipal Corporations Act, 1835, shall be capable in law to do and suffer all acts which the chief officer of the borough might at the passing of that Act lawfully do or suffer, as far as the same were not altered or annulled by that Act, or have not been altered or annulled by any subsequent Act.

**16 Power of mayor to appoint deputy.**

- (1) The mayor may from time to time appoint an alderman or councillor to act as deputy mayor during the illness or absence of the mayor.
- (2) The appointment shall be signified to the council in writing and be recorded in their minutes.
- (3) A deputy mayor may, while acting as such, do all acts which the mayor as such might do, except that he shall not take the chair at a meeting of the council unless specially appointed by the meeting to do so, and shall not, unless he is a justice, act as a justice or in any judicial capacity.

*Officers of Council.*

**17 The town clerk and deputy.**

- (1) The council shall from time to time appoint a fit person, not a member of the council, to be the town clerk of the borough.
- (2) The town clerk shall hold office during the pleasure of the council.
- (3) He shall have the charge and custody of, and be responsible for, the charters, deeds, records, and documents of the borough, and they shall be kept as the council direct.
- (4) A vacancy in the office shall be filled within twenty-one days after its occurrence.
- (5) In case of the illness or absence of the town clerk, the council may appoint a deputy town clerk, to hold office during their pleasure.
- (6) All things required or authorized by law to be done by or to the town clerk may be done by or to the deputy town clerk.

**18 The treasurer.**

- (1) The council shall from time to time appoint a fit person, not a member of the council, to be the treasurer of the borough.
- (2) The treasurer shall hold office during the pleasure of the council.

- (3) A vacancy in the office shall be filled within twenty-one days after its occurrence.
- (4) The offices of town clerk and treasurer shall not be held by the same person.

**19 Other borough officers.**

The council shall from time to time appoint such other officers as have been usually appointed in the borough, or as the council think necessary, and may at any time discontinue the appointment of any officer appearing to them not necessary to be re-appointed.

**20 Security by and remuneration of officers.**

The council shall require every officer appointed by them to give such security as they think proper for the due execution of his office, and shall allow him such remuneration as they think reasonable.

**21 Accountability of officers.**

- (1) Every officer appointed by the council shall at such times during the continuance of his office, or within three months after his ceasing to hold it, and in such manner as the council direct, deliver to the council, or as they direct, a true account in writing of all matters committed to his charge, and of his receipts and payments, with vouchers, and a list of persons from whom money is due for purposes of this Act in connexion with his office, shewing the amount due from each.
- (2) Every such officer shall pay all money due from him to the treasurer, or as the council direct.
- (3) If any such officer—
  - (a) Refuses or wilfully neglects to deliver any account or list which he ought to deliver, or any voucher relating thereto, or to make any payment which he ought to make; or
  - (b) After three days notice in writing, signed by the town clerk or by three members of the council, given or left at his usual or last known place of abode, refuses or wilfully neglects to deliver to the council, or as they direct, any book or document which he ought so to deliver, or to give satisfaction respecting it to the council or as they direct ;a court of summary jurisdiction having jurisdiction where the officer is or resides may, by summary order, require him to make such delivery or payment, or to give such satisfaction.
- (4) But nothing in this section shall affect any remedy by action against any such officer or his surety, except that the officer shall not be both sued by action and proceeded against summarily for the same cause.

*Meetings and Proceedings of Council; Committees.*

**22 Quarterly and other meetings of council; appointment of committees, minutes, &c.**

- (1) The rules in the Second Schedule shall be observed.

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- (2) The council may from time to time appoint out of their own body such and so many committees, either of a general or special nature, and consisting of such number of persons, as they think fit, for any purposes which, in the opinion of the council, would be better regulated and managed by means of such committees ; but the acts of every such committee shall be submitted to the council for their approval.
- (3) A member of the council shall not vote or take part in the discussion of any matter before the council, or a committee, in which he has, directly or indirectly, by himself or by his partner, any pecuniary interest.
- (4) No act or proceeding, of the council, or of a committee, shall be questioned on account of any vacancy in their body.
- (5) A minute of proceedings at a meeting of the council, or of a committee, signed at the same or the next ensuing meeting, by the mayor, or by a member of the council, or of the committee, describing himself as, or appearing to be, chairman of the meeting at which the minute is signed, shall be received in evidence without further proof.
- (6) Until the contrary is proved, every meeting of the council, or of a committee, in respect of the proceedings whereof a minute has been so made, shall be deemed to have been duly convened and held, and all the members of the meeting shall be deemed to have been duly qualified; and where the proceedings are proceedings of a committee, the committee shall be deemed to have been duly constituted, and to have had power to deal with the matters referred to in the minutes.

*Byelaws.*

**23 Power of council to make byelaws.**

- (1) The council may, from time to time, make such byelaws as to them seem meet for the good rule and government of the borough, and for prevention and suppression of nuisances not already punishable in a summary manner by virtue of any Act in force throughout the borough, and may thereby appoint such fines, not exceeding in any case five pounds, as they deem necessary for the prevention and suppression of offences against the same.
- (2) Such a byelaw shall not be made unless at least two thirds of the whole number of the council are present.
- (3) Such a byelaw shall not come into force until the expiration of forty days after a copy thereof has been fixed on the town hall. ,
- (4) Such a byelaw shall not come into force until the expiration of forty days after a copy thereof, sealed with the corporate seal, has been sent to the Secretary of State; and if within those forty days the Queen, with the advice of Her Privy Council, disallows the byelaw or part thereof, the byelaw or part disallowed shall not come into force; but it shall be lawful for the Queen, at any time within those forty days, to enlarge the time within which the byelaw shall not come into force, and in that case the byelaw shall not come into force until after the expiration of, that enlarged time.
- (5) Any offence against such a byelaw may be prosecuted summarily.
- (6) Nothing in this section shall interfere with the operation of section one hundred and eighty-seven of the Public Health Act, 1875; and that section shall have effect as

if this section were therein referred to, instead of section ninety of the Municipal Corporations Act, 1835; but nothing in the Public Health Act, 1875, shall be construed as having restricted the meaning or scope of the Municipal Corporations Act, 1835, or as restricting the meaning or scope of this section, with respect to prevention or suppression of nuisances.

**24 Evidence of byelaws.**

The production of a written copy of a byelaw made by the council under this Act, or under any former or present or future general or local Act of Parliament, if authenticated by the corporate seal shall, until the contrary is proved, be sufficient evidence of the due making and existence of the byelaw, and, if it is so stated in the copy, of the byelaw having been approved and confirmed by the authority whose approval or confirmation is required to the making or before the enforcing of the byelaw.

*Accounts and Audit.*

**25 The borough auditors.**

- (1) There shall be three borough auditors, two elected by the burgesses, called elective auditors, and one appointed by the mayor, called mayor's auditor.
- (2) An elective auditor must be qualified to be a councillor, but may not be a member of the council or the town clerk or the treasurer.
- (3) The mayor's auditor must be a member of the council.
- (4) The term of office of each auditor shall be one year.
- (5) The appointment of the mayor's auditor shall be made on the ordinary day of election of the elective auditors.
- (6) On a casual vacancy in his office an appointment to fill it shall be made within ten days after the occurrence of the vacancy.

**26 Half-yearly accounts of treasurer.**

The treasurer shall make up his accounts half-yearly to such dates as the council, with the approval of the Local Government Board, from time to time appoint; and, subject to any such appointment, to the dates in use at the commencement of this Act.

**27 Audit and publication of treasurer's accounts.**

- (1) The treasurer shall within one month from the date to which he is required to make up his accounts in each half year, submit them, with the necessary vouchers and papers, to the borough auditors, and they shall audit them.
- (2) After the audit of the accounts for the second half of each financial year the treasurer shall print a full abstract of his accounts for that year.

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## **28 Returns to Local Government Board.**

- (1) The town clerk shall make a return to the Local Government Board of the receipts and expenditure of the municipal corporation for each financial year.
- (2) The return shall be made for the financial year ending on the twenty-fifth of March, or on such other day as the Local Government Board, on the application of the council, from time to time prescribe.
- (3) The return shall be in such form and contain such particulars as the Local Government Board from time to time direct.
- (4) The return shall be sent to the Local Government Board within one month after the completion of the audit for the second half of each financial year.
- (5) If the town clerk fails to make any return required under this section, he shall for each offence be liable to a fine not exceeding twenty pounds to be recovered by action on behalf of the Crown in the High Court.
- (6) The Local Government Board shall in each year prepare an abstract of the returns made in pursuance of this section, under general heads, and it shall be laid before both Houses of Parliament.

### *Revising Assessors.*

## **29 Revising assessors in non-parliamentary boroughs.**

- (1) In every borough whereof no part of the area is coextensive with or included in the area of a parliamentary borough, there shall be two revising assessors elected by the burgesses.
- (2) Every person shall be eligible who is qualified to be a councillor and is not a member of the council or the town clerk or treasurer.
- (3) The term of office of each revising assessor shall be one year.
- (4) Every revising assessor shall, as soon as conveniently may be after his election, and from time to time as occasion requires, appoint, by writing signed by him, a person eligible to the office of revising assessor, to be his deputy, to act for him in case of his illness or incapacity to act.
- (5) The appointment shall be signified to the council, in writing signed by the assessor, and be recorded in their minutes.

### *Division of Borough into Wards, or alteration of Wards.*

## **30 Proceedings for division of borough into wards or alteration of wards.**

- (1) If two thirds of the council of a borough agree to petition, and the council thereupon petition, the Queen for the division of the borough into wards, or for the alteration of the number and boundaries of its wards, it shall be lawful for Her Majesty from time to time, by Order in Council, to fix the number of wards into which the borough shall be divided; and the borough shall be divided into that number of wards.



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- (2) Notice of the petition, and of the time when it pleases Her Majesty to order that the same be taken into consideration by Her Privy Council, shall be published in the London Gazette one month at least before the petition is so considered.
- (3) Where an Order in Council has been so made, the Secretary of State shall appoint a commissioner to prepare a scheme for determining the boundaries of the wards and apportioning the councillors among them.
- (4) In case of division into wards, the commissioner shall apportion all the councillors among the wards.
- (5) In case of alteration of wards, he shall so apportion among the altered wards the councillors for those wards as to provide for their continuing to represent as large a number as possible of their former constituents.
- (6) In either case, each councillor shall hold his office in the ward to which he is assigned for the same time that he would have held it had the borough remained undivided or the wards unaltered.
- (7) In case of division into wards the returning officer at the first election for each ward held after the division shall, notwithstanding anything in this Act, be the mayor or a person appointed by the mayor.
- (8) If by reason of any division or alteration under this section any doubt arises as to which councillor should go out of office, the doubt may be determined by the council.
- (9) The division of a borough into a greater number of wards shall not affect the qualification of aldermen or councillors.
- (10) The number of councillors assigned to each ward shall be a number divisible by three; and in fixing their number the commissioner shall, as far as he deems it practicable, have regard as well to the number of persons rated in the ward as to the aggregate rating of the ward.
- (11) The commissioner shall make the scheme in duplicate, and shall deliver one of the duplicates to the town clerk, and shall send the other to the Secretary of State, to be submitted by him to Her Majesty in Council for approval.
- (12) The scheme shall be published in the London Gazette, and shall come into operation at the date of that publication, and thenceforth the boundaries of wards and apportionment of councillors determined and made by the scheme shall be observed and be in force.
- (13) If Her Majesty in Council does not approve the scheme as originally prepared by the commissioner, it shall nevertheless be published in the London Gazette, and shall be in force for the purposes of any municipal election until Her Majesty in Council, on further information and report from the commissioner, definitely approves a scheme in that behalf.
- (14) The commissioner may administer oaths, and may require any person having the custody of any book containing a poor rate made for a parish to produce the book for his inspection; and every person required by the commissioner to answer any question put to him for the purposes of this section shall answer it.
- (15) The commissioner shall have remuneration as appearing by the Fourth and Fifth Schedules.

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*Supplemental and Exceptional Provisions.*

**31 Occupation of part of house.**

In and for the purposes of this Act—

- (a) The terms house, warehouse, counting house, shop, or other building include any part of a house, where that part is separately occupied for the purposes of any trade, business, or profession ; and any such part may, for the purpose of describing the qualification, be described as office, chambers, studio, or by any like term applicable to the case.
- (b) Where an occupier is entitled to the sole and exclusive use of any part of a house, that part shall not be deemed to be occupied otherwise than separately by reason only that the occupier is entitled to the joint use of some other part.

**32 Claim by occupier to be rated.**

- (1) If an occupier of any qualifying property, whether the landlord is or is not liable to be rated to the poor rate in : respect thereof, claims to be rated to the poor rate in respect thereof, and pays or tenders to the overseers of the parish where the property is situate the full amount of the poor rate last made in respect of the property, the overseers shall put the occupier's name on the rate book in respect of that rate.
- (2) If they fail to do so, he shall nevertheless for the purposes of this Act be deemed rated to that rate.

**33 Rules as to qualification of burgess on succession, &c.**

- (1) Where a person succeeds to qualifying property by descent, marriage, marriage settlement, devise, or promotion to a benefice or office, then, for the purpose of qualification, the occupancy of the property by a predecessor in title, and the rating of the predecessor in respect thereof, shall be equivalent to the occupancy and rating of the successor ; and rating in the name of the predecessor shall, until a new rate is made after the date of succession, be equivalent to rating in the name of the successor; and the successor shall not be required to prove his own residence, occupancy, or rating before the succession.
- (2) The qualifying property need not be throughout the twelve, months constituting the period of qualification the same property or in the same parish.
- (3) Where by law a borough rate is payable by instalments, payment by any person of any such instalment shall, as regards his qualification to be enrolled as a burgess, be deemed a payment of the borough rate in respect of the period to which the instalment applies.
- (4) A person shall not be disentitled to be enrolled as a burgess by reason only—
  - (a) That he has received medical or surgical assistance from the trustees of the municipal charities, or has been removed, by order of a justice, to a hospital or place for reception of the sick, at the cost of any local authority; or
  - (b) That his child has been admitted to and taught in any public or endowed school.

**34 Obligation to accept office or pay fine.**

- (1) Every qualified person elected to a corporate office, unless exempt under this section or otherwise by law, either shall accept the office by making and subscribing the declaration required by this Act within five days after notice of election, or shall, in lieu thereof, be liable to pay to the council a fine of such amount not exceeding, in case of an alderman, councillor, elective auditor, or revising assessor, fifty pounds, and in case of a mayor one hundred pounds, as the council by byelaw determine.
- (2) If there is no byelaw determining fines, the fine, in case of an alderman, councillor, elective auditor, or revising assessor, shall be twenty-five pounds, and in case of a mayor fifty pounds.
- (3) The persons exempt under this section are—
  - (a) Any person disabled by lunacy or imbecility of mind, or by deafness, blindness, or other permanent infirmity of body; and
  - (b) Any person who, being above the age of sixty-five years, or having within five years before the day of his election either served the office or paid the fine for non-acceptance thereof, claims exemption within live days after notice of his election.
- (4) A fine payable under this section shall be recoverable summarily.

**35 Declaration on acceptance of office.**

A person elected to a corporate office shall not, until he has made and subscribed before two members of the council, or the town clerk, a declaration as in the Eighth Schedule, act in the office except in administering that declaration.

**36 Fine on resignation, &c.**

- (1) A person elected to a corporate office may at any time by writing signed by him and delivered to the town clerk, resign the office, on payment of a fine provided for non-acceptance thereof.
- (2) In any such case the council shall forthwith declare the office to be vacant, and signify the same by notice in writing, signed by three members of the council and countersigned by the town clerk, and fixed on the town hall, and the office shall thereupon become vacant.
- (3) No person enabled by law to make an affirmation instead of taking an oath shall be liable to any fine for non-acceptance of office by reason of his refusal on conscientious grounds to take any oath or make any declaration required by this Act or to take on himself the duties of the office.

**37 Re-eligibility of office holders.**

A person ceasing to hold a corporate office shall, unless disqualified to hold the office, be re-eligible.

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**38 Mayor and aldermen to continue members of council.**

The mayor and aldermen shall, during their respective offices, continue to be members of the council, notwithstanding anything in this Act as to councillors going out of office at the end of three years.

**39 Avoidance of office by bankruptcy or absence.**

- (1) If the mayor, or an alderman or councillor—
- (a) Is declared bankrupt, or compounds by deed with his creditors, or makes an arrangement or composition with his creditors, under the Bankruptcy Act, 1869, by deed or otherwise; or
  - (b) Is (except in case of illness) continuously absent from the borough, being mayor, for more than two months, or, being alderman or councillor, for more than six months :

he shall thereupon immediately become disqualified and shall cease to hold the office.

- (2) In any such event the council shall forthwith declare the office to be vacant, and signify the same by notice signed by three members of the council, and countersigned by the town clerk, and fixed on the town hall, and the office shall thereupon become vacant.
- (3) Where a person becomes so disqualified by being declared bankrupt, or compounding, or making an arrangement or composition, as aforesaid, the disqualification, as regards subsequent elections, shall, in case of bankruptcy, cease on his obtaining his order of discharge, and shall, in case of a compounding or composition as aforesaid, cease on payment of his debts in full, and shall, in case of an arrangement as aforesaid, cease on his obtaining his certificate of discharge.
- (4) Where a person becomes so disqualified by absence, he shall be liable to the same fine as for non-acceptance of office, recoverable summarily, but the disqualification shall, as regards subsequent elections, cease on his return.

**40 Filling of casual vacancies.**

- (1) On a casual vacancy in a corporate office, an election shall be held by the same persons and in the same manner as an election to fill an ordinary vacancy; and the person elected shall hold the office until the time when the person in whose place he is elected would regularly have gone out of office, and he shall then go out of office.
- (2) In case of more than one casual vacancy in the office of councillor being filled at the same election, the councillor elected by the smallest number of votes shall be deemed to be elected in the place of him who would regularly have first gone out of office, and the councillor elected by the next smallest number of votes shall be deemed to be elected in the place of him who would regularly have next gone out of office, and so with respect to the others; and if there has not been a contested election, or if any doubt arises, the order of rotation shall be determined by the council.
- (3) Non-acceptance of office by a person elected creates a casual vacancy.

**41 Penalty on unqualified person acting in office.**

- (1) If any person acts in a corporate office without having made the declaration by this Act required, or without being qualified at the time of making the declaration, or after

ceasing to be qualified, or after becoming disqualified, he shall for each offence be liable to a fine not exceeding fifty pounds, recoverable by action.

- (2) A person being in fact enrolled in the burgess roll shall not be liable to a fine for acting in a corporate office on the ground only that he was not entitled to be enrolled therein.

#### **42 Validity of acts done notwithstanding disqualification, &c.**

- (1) The acts and proceedings of a person in possession of a corporate office, and acting therein, shall, notwithstanding his disqualification or want of qualification, be as valid and effectual as if he had been qualified.
- (2) An election of a person to a corporate office shall not be liable to be questioned by reason of a defect in the title, or want of title, of the person before whom the election was had, if that person was then in actual possession of, or acting in, the office giving the right to preside at the election.
- (3) A burgess roll shall not be liable to be questioned by reason of a defect in the title, or want of title, of the mayor or any revising authority by whom it is revised, if he was then in actual possession and exercise of the office of mayor or revising authority.

#### **43 Duties of town clerk, deputy, and treasurer during vacancy or incapacity.**

If there is no town clerk, and no deputy town clerk, or there is no treasurer, or the town clerk, deputy town clerk, or treasurer (as the case may be) is incapable of acting, all acts by law authorized or required to be done by or with respect to the town clerk or the treasurer (as the case may be) may, subject to the provisions of any other Act, be done by or with respect to a person appointed in that behalf by the mayor.