

# HOUSE . . . No. 1454

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## The Commonwealth of Massachusetts.

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HOUSE OF REPRESENTATIVES, April 16, 1923.

The committee on Municipal Finance, to whom were referred the petition (accompanied by bill, House, No. 375), of James M. Curley, mayor, that the city of Boston be authorized to incur indebtedness for the widening and reconstruction of certain streets, and the petition (accompanied by bill, House, No. 948), of the State Street Exchange and others that the city of Boston be authorized to incur indebtedness for widening Cambridge and Court streets, report (in part on the petition of the mayor), the accompanying bill.

For the committee,

JAMES M. HUNNEWELL.

## The Commonwealth of Massachusetts.

In the Year One Thousand Nine Hundred and Twenty-Three.

### AN ACT

To provide for the Widening and Construction of Cambridge Street and Court Street in the City of Boston.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 SECTION 1. The board of street commissioners of the  
2 city of Boston may, with the approval of the mayor,  
3 widen and construct to a width not exceeding one hun-  
4 dred feet, Cambridge street from Charles street to Court  
5 street and Court street from Cambridge street to Brattle  
6 street in accordance with the plan prepared by said board  
7 of street commissioners, which plan shall be recorded with  
8 the registry of deeds for the county of Suffolk within  
9 sixty days after the passage of this act.

1 SECTION 2. The said widening and construction of the  
2 said Cambridge street and Court street and the assess-  
3 ment of betterments therefor shall be made in accordance  
4 with the provisions of chapter three hundred and ninety-  
5 three of the acts of nineteen hundred and six as amended  
6 by chapter five hundred and thirty-six of the acts of  
7 nineteen hundred and thirteen and chapters seventy-nine  
8 and eighty of the General Laws.

1 SECTION 3. The treasurer of the city of Boston shall,  
2 from time to time, on request of the mayor, issue and sell  
3 at public or private sale bonds of the city to an amount  
4 not exceeding three million five hundred thousand dollars,  
5 which shall be outside the statutory limit of indebted-  
6 ness. Each authorized issue of bonds shall constitute a  
7 separate loan. The bonds shall be designated on their  
8 face, "Cambridge Street and Court Street Bonds, Acts  
9 of 1923", shall be in such form of coupon bonds, or  
10 registered bonds without coupons, or coupon bonds ex-  
11 changeable for registered bonds, as the treasurer of the  
12 city shall determine; shall be for such terms not exceed-  
13 ing twenty years from the date of issue as the mayor  
14 and treasurer of the city shall determine; shall bear  
15 interest in accordance with the provisions of chapter  
16 fifty-two of the Special Acts of nineteen hundred and  
17 eighteen; and shall be payable by such annual payments  
18 as will extinguish the same at maturity and so that the  
19 first of the said annual payments on account of any loan  
20 shall be made not later than one year after the date of  
21 the bonds issued therefor, and that the amount of the  
22 said payments in any year on account of such loan shall  
23 not be less than the amount of principal of the loan  
24 payable in any subsequent year. The said annual  
25 amounts, together with the interest on the loan, shall,  
26 without further action, be assessed until the debt is  
27 extinguished. The treasurer of the city of Boston shall  
28 hold the proceeds of said bonds in the treasury of the  
29 city, and pay therefrom the costs and expenses incurred  
30 under the provisions of this act. Any premiums re-  
31 ceived from the sale of the said bonds, less the cost of  
32 preparing, issuing and selling the same, shall be applied  
33 to the payment of the principal of the first bond or  
34 bonds to mature. The city treasurer may, with the

9 to inspect them for the purpose of assessing or collecting  
10 taxes., — so that the whole of said section shall read as  
11 follows: — *Section 44.* The commissioner shall determine,  
12 from the returns required by this chapter and from any  
13 other available information, the net income derived from  
14 business carried on within the commonwealth and the  
15 corporate excess of every domestic business corporation,  
16 and the net income derived from business carried on  
17 within the commonwealth of, and the corporate excess  
18 employed within the commonwealth by, every foreign  
19 corporation, and shall assess thereon the tax provided  
20 for in this chapter. Except, as otherwise provided in  
21 this chapter, the part of said tax which is based upon  
22 the value of the corporate excess, or corporate excess  
23 employed within the commonwealth, shall be assessed  
24 and collected in the same manner and with the same  
25 powers as provided in this chapter for the taxation of  
26 corporate franchises, and shall be subject to the other  
27 administrative provisions thereof. He shall not deter-  
28 mine the income of any such corporation, which has filed  
29 a return within the time prescribed by law, to be in ex-  
30 cess of the income shown by such return, without notify-  
31 ing the corporation and giving it an opportunity to ex-  
32 plain the apparent incorrectness of the return. For the  
33 purpose of verifying any such return, the commissioner  
34 may, within two years after September first of the year  
35 in which such return was due, examine personally or by  
36 deputy or agent the books and papers of the corpora-  
37 tion, which shall be open to such officer for verification.  
38 Returns required by sections thirty-five, thirty-six or  
39 forty shall, except in proceedings to collect the taxes or  
40 enforce the penalties provided in this chapter, be open  
41 only to the inspection of the commissioner, his deputies,  
42 clerks and assistants, and such other officers of the com-

43 monwealth as may have occasion to inspect them for  
44 the purpose of assessing or collecting taxes.

1 SECTION 2. Section fifty-three of said chapter sixty-  
2 three is hereby amended by striking out the whole of the  
3 last paragraph and inserting the following:—

4 So much of said return as is required by the first,  
5 second and third clauses of this section, and all other  
6 returns required by this chapter, shall be open only to  
7 the inspection of the commissioner, his deputies, clerks  
8 and assistants, and such other officers of the common-  
9 wealth as may have occasion to inspect them for the  
10 purpose of assessing and collecting taxes.

1 SECTION 3. Section fifty-eight of chapter sixty-two is  
2 hereby amended by striking out in lines six and seven  
3 the words:— or by proper judicial order, — so as to  
4 read as follows:— *Section 58.* The disclosure by the  
5 commissioner, or by the state auditor, or by any deputy,  
6 assistant, clerk or assessor, or other employee of the  
7 commonwealth, or of any city or town therein, to any  
8 person but the taxpayer or his agent, of any information  
9 whatever contained in or set forth by any return filed  
10 under this chapter, other than the name and address of  
11 the person filing it, except in proceedings to collect the  
12 tax, or for the purpose of criminal prosecution under this  
13 chapter, shall be punishable by a fine of not more than  
14 one thousand dollars, or by imprisonment for not more  
15 than six months, or both, and by disqualification from  
16 holding office for such period, not exceeding three years,  
17 as the court determines.

35 approval of the mayor, make a temporary loan for a  
36 period of not more than one year in anticipation of the  
37 money to be derived from the sale of any issue of the  
38 said bonds, and may issue notes therefor, and such  
39 notes may be refunded by the issue of new notes matur-  
40 ing within the said year; but the period of the per-  
41 manent loan herein authorized shall not be extended by  
42 reason of the temporary loan.

1 SECTION 4. This act shall take effect upon its passage.