

therefor; and the president and directors shall forthwith CHAP. 139. reduce the charge or rate of transportation as to bring the said clear profits down to the said rate of ten *per centum per annum*; the said president and directors of the said company shall at the end of two years next after the said rail road shall have been completed, and its operation, and at the end of every second year thereafter, lay before the general assembly of this state, an abstract of their accounts, verified by the oaths of said president and the secretary, shewing the whole amount of their capital and of the profits and income arising from said road, to the said company, for and during the respective periods, together with an exact account of the costs and charges, to the end that the clear annual income and profits thereof may be ascertained and known, and the right of the general assembly to appropriate, to the use of the state, any excess of profits in lieu of the reduction of tolls over and above the clear annual profits of ten *per centum* allowed by this act to the said company, is hereby reserved; provided, that such appropriation, upon the part of the state, at no time exceed ten *per centum* upon the amount of the costs of the construction of said road.

Sec. 16. *And be it enacted*, That if any person or persons shall wilfully, by any means whatsoever, injure, impair or destroy, any part of any rail road constructed by said company under this act, or any of their necessary works, buildings, carriages, machines or vehicles, such person or persons, so offending, shall, each of them, for every such offence, forfeit and pay to the said company any sum not exceeding five hundred dollars, which may be recovered in the name of said company, by an action of debt in the county court wherein the offence shall be committed, and also be subject to indictment in said court, and upon conviction of such offence, shall be punished by fine and imprisonment, in the discretion of the court. Penalty for injuring a-y part of road, &c

Sec. 17. *And be it enacted*, That if at the end of two years after the said road shall be completed from the beginning to the end thereof, it shall appear, from the average profits of the said two years that the said income and profits thereof will not bear a dividend of six *per centum per annum* on the whole capital stock of the said company expended in the construction thereof, then it shall and may be lawful to and for the said president and directors to increase the tolls hereinbefore allowed, so much upon each and every allowance thereof as will raise the dividends to six *per centum per annum*; *Provided however*, that said tolls shall in no event be increased more than fifty *per centum* on their amount as fixed by this act; *And provided nevertheless*, that it shall be the duty of said president and directors, Tolls may be increased Proviso