

deemed guilty of a misdemeanor, and, upon indictment and conviction thereof, shall be fined not less than three hundred dollars nor more than one thousand dollars for each offense.

SEC. 4. *And be it enacted*, That the conductors and managers on all railroads shall have power and are hereby required to assign to each white or colored passenger his or her respective car, coach or compartment, and should any passenger refuse to occupy the car, coach or compartment to which he or she may be assigned by the conductor or managers, shall have the right to refuse to carry such passenger on his train, and may put such passenger off his train, and for such refusal or putting off the train neither the conductor, manager nor railroad company or corporation, or person owning or operating the same, shall be liable for damages in any court; and the passenger so refusing to occupy the car, coach or compartment to which he or she may be assigned by the conductor or manager shall be deemed guilty of a misdemeanor, and, on indictment and conviction thereof, shall be fined not less than five dollars nor more than fifty dollars, or be confined in jail not less than thirty days, or both, in the discretion of the court, for each offense.

Rights of conductors and managers.

Refusing to occupy car.

SEC. 5. *And be it enacted*, That any conductor or manager on any railroad who shall fail or refuse to perform the duties imposed upon him by Section 4 of this Act shall be deemed guilty of a misdemeanor, and, upon indictment and conviction thereof, shall be fined not less than twenty-five dollars and not more than fifty dollars for each offense.

Failure to perform duties.

SEC. 6. *And be it enacted*, That when any car, coach or compartment for either white or colored passengers shall be completely filled, where no extra cars or coaches can be obtained, and the increased number of passengers could not be foreseen, the conductor or manager in charge of such train is hereby authorized to assign and set apart a portion of the car, coach or compartment assigned to passengers of one color to passengers of the other color.

Lack of accommodations.

SEC. 7. *And be it enacted*, That the provisions of this Act shall not apply to employees of railroads, or to persons employed as nurses, or to officers in charge of prisoners, whether the said prisoners are white or colored, or both white and colored, or to the prisoners in their custody, nor shall the same apply to the transportation of passengers in any caboose car attached to a freight train, nor to parlor nor sleeping cars, nor through express trains that do no local business.

Exceptions.