

such sample is of seed purchased or sold, and the report furnished by said laboratory is to be used in connection with a court prosecution, then such sample shall be drawn at the time of delivery of the seed to the buyer, and drawn in the presence of, and under conditions satisfactory to, both the seller and the buyer or their representatives, and a third person; and such sample shall be mixed as thoroughly as possible and divided into three parts, one to be sent to the State Seed Laboratory for analysis, and the remaining two parts to be held, one each by the buyer and seller, to be available for all in the event of dispute as to the analysis.

110. Whoever offers or exposes for sale within this State any agricultural seed, defined in Section 99 of this Act without complying with the requirements of Sections 100 and 101 of this Act, or whoever falsely marks or labels any agricultural seeds under Section 100 of this Act, or "mixtures" under Section 101 of this Act, or whoever shall prevent the duly authorized officer or agent from inspecting said seeds and collecting samples as provided in Section 106 of this Act, shall be guilty of a misdemeanor, and upon conviction shall be fined not more than one hundred dollars. Provided, however, that no prosecution for violation of this Act shall be instituted except in the manner following: When the duly authorized officer believes, or has reason to believe, that any person has violated any of the provisions of Sections 100, 101 and 109 of this Act, he shall cause notice of such fact, together with full specifications of the Act or omission constituting the violation, to be given to said person, who either in person or by agent or attorney, shall have the right under such reasonable rules and regulations as may be prescribed by the duly authorized officer to appear before said officer and introduce evidence, and said hearing shall be private. If, after said hearing, or without such hearing in case said person fails or refuses to appear, said seed officer shall decide and decree that any or all of said specifications have been proven to his satisfaction, he may in his discretion so certify to the proper prosecuting attorney and request him to prosecute said person according to law for violation of this Act, transmitting with said certificate a copy of the specifications and such other evidence as he shall deem necessary and proper, whereupon said prosecuting attorney shall prosecute said person according to the law.

111. All Acts or parts of Acts inconsistent with this Act are hereby repealed.