

denatured, processed, destroyed, relabeled, or otherwise disposed of in compliance with the laws of this State, but in no instance shall such disposition of said seed be ordered by the court without first having given the claimant an opportunity to apply to the court for the release of said seed or permission to process or relabel it to bring it into compliance with this sub-title.

136. (Violations and Prosecutions.) Every violation of the provisions of this sub-title shall be deemed a misdemeanor punishable by a fine not exceeding one hundred dollars (\$100.00) for the first offense and not exceeding two hundred and fifty dollars (\$250.00) for each subsequent similar offense. When the authorized agent of the State Board of Agriculture shall find that any person has violated any of the provisions of this sub-title, he may institute proceedings in the court of competent jurisdiction in the area in which the violation occurred, to have such person convicted thereof; or the authorized agent of the said Board may file with the Attorney General of the State with the view of prosecution such evidence as may be deemed necessary; provided, however, that no prosecution under this sub-title shall be instituted without first having given the defendant an opportunity to appear before the authorized agent of the said Board to introduce evidence either in person or by agent or attorney at a private hearing. If, after such hearing, or without such hearing in case the defendant or his agent or attorney fails or refuses to appear, the authorized agent of the said Board is of the opinion that the evidence warrants prosecution, he shall proceed as herein provided.

It shall be the duty of the State's Attorney of the County in which the violation occurred or of the Attorney General of the State, as the case may be, to institute proceedings at once against the person charged with such violation, if, in his judgment, the information warrants such action.

After judgment by the court in any case arising under this sub-title, the authorized agent of the said Board shall publish any information pertinent to the issuance of the judgment by the court in such media as he may designate from time to time.

SEC. 2. *And be it further enacted,* That, if any provision or section of this Act shall be held to be invalid, such invalidity shall not affect the other provision or sections thereof.

SEC. 3. *And be it further enacted,* That this Act shall take effect January 1st, 1942.

Approved May 29, 1941.