

petition shall be under oath, and shall state that the petitioner is informed and believes that the person named therein has been heretofore improperly and wrongfully registered as physician or surgeon, or both, upon his own application and affidavit upon the register of physicians or book kept for such purpose in any court of this State, for the reason (as said petitioner is empowered) that such person was not lawfully practising medicine in the State of Maryland as a duly qualified practitioner of medicine in said State entitled to be registered as a physician or surgeon upon his own application to the clerk of said court; and that said petitioner prays that the name of such person shall be struck from the registry of physicians aforesaid. Upon the filing of such petition the court or one of the judges thereof shall pass an order requiring the person therein alleged to be wrongfully or improperly registered to answer the same, under oath, on or before a date to be named within thirty days from the date of such order, and to show cause, if any there be, why the prayer of such petition should not be granted, which order shall be served upon said last named person; and if said petition shall not be answered within the time named, as aforesaid, or if the answer thereto shall be adjudged insufficient by the court, then the court shall pass an order directing that the name of such person alleged to be wrongfully or improperly registered shall be stricken from the registry of physicians or surgeons where the same shall have been registered; but if said petition shall be answered by the defendant, being the person against whom it is exhibited by an answer under oath, fairly and fully denying the allegations of said petition, the issues thus raised shall be heard and determined by the court, and either party may be entitled to a jury trial before a jury of the regular panel empaneled to try common law cases in said court; and the defendant shall be competent and compellable to testify at such hearing, and upon such hearing the court shall render judgment with costs against the unsuccessful party. And if it shall determine that said defendant was not practising medicine in the State of Maryland on or before the date of June 1, 1892, not being a lawful practitioner of medicine in said State, on or before said date, it shall pass an order directing the name of said defendant to be stricken from the registry of physicians or surgeons, or both, which order shall be certified by the clerk of the court wherein said defendant was registered, and he shall thereupon strike his name from said registry. But the decision upon such petition shall have no force and effect in any criminal prosecution under this sub-title.

1904, art. 43, sec. 101. 1902, ch. 612, sec. 61. 1908, ch. 120.

130. Any person shall be regarded as practicing medicine within the meaning of this sub-title who shall append to his or her name the words or letters "Dr.," "Doctor," "M. D.," or any other title in connection with his name, with the intent thereby to imply that he or she is engaged in the art or science of healing, or in the practice of medicine in any of its branches, or who shall operate on, profess to heal, prescribe