

An. Code, sec. 128. 1904, sec. 99. 1894, ch. 217, sec. 59.

136. Any person who after the first day of July, 1894, shall practise or attempt to practise medicine or surgery in this State, without being registered in accordance with the provisions of this sub-title, shall be guilty of a misdemeanor, and shall be fined not less than ten dollars nor more than two hundred dollars for each offense.

Indictment under this section need not aver sending of notice prescribed by sec. 117. The receipt of such notice is not necessary to constitute offense of practicing medicine without being registered. Such offense is created solely by this section, in broad and general language, without exception, qualification or condition. Pleas of "*autre fois acquit*" to an indictment under this section, held defective. *Watson v. State*, 105 Md. 652. (The decision of the court of appeals of Maryland held to be final, *Watson v. Maryland*, 218 U. S. 175.)

An. Code, sec. 129. 1904, sec. 100. 1896, ch. 194, sec. 61.

137. Any citizen of Maryland having information which causes him to believe that any person has been heretofore wrongfully and improperly registered as physician or surgeon, or both, upon his application to the clerk of any court may apply, by petition, to the circuit court of the county wherein such registration was made, or to the city court of Baltimore city, if such registration was in Baltimore city, which 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