

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 practicing 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.

An. Code, 1924, sec. 138. 1912, sec. 130. 1904, sec. 101. 1902, ch. 612, sec. 61. 1908, ch. 120.

139. 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 for, or otherwise treat any physical or mental ailment or supposed mental ailment of another, or who shall for hire or for any gratuity or compensation, either directly or indirectly to him or her paid, undertake by any appliance, operation or treatment of whatever nature, to cure, heal or treat any bodily or mental ailment or supposed ailment of another; or who for any hire, gratuity or compensation, either directly or indirectly to him or her paid, by or for any patient, shall undertake to treat, heal, cure, drive away or remove any physical or mental ailment, or supposed ailment of another, by mental or other process, exercised or invoked on the part of either the healer or the patient or both; but nothing herein contained shall be construed to apply to gratuitous services, nor to any resident or assistant resident physicians or students at hospitals in the discharge of their hospital or dispensary duties, or in the office of physicians, or to any physician or surgeon from another State, territory or district in which he resides when in actual consultation with a legal practitioner of this State; or to commissioned surgeons of the United States army, or navy, or insane hospital service, or opticians or chiropodists, or to midwives, or to masseurs, or other manual manipulators who use no other means; nor shall the provisions of this sub-title apply to physicians or surgeons residing on the borders of a neighboring State, and duly authorized under the laws thereof to practice medicine or surgery therein, whose practice extends into the limits of this State; provided, that such practitioners shall not open an office or appoint places to meet their patients or receive calls within the limits of this State without complying with the provisions of this sub-title; provided, that the same privileges be accorded to licensed physicians of this State; provided, further, that nothing in this sub-title shall annul any of the provisions of article 32, title "Dentistry," nor shall apply to any registered graduate of dental surgery now practicing in the said State