

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 1st, 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 article.

1896, ch. 194.

61. The term, "Practising Medicine or a Practitioner of Medicine," when used with respect to the qualifications of a practitioner or applicant to be registered under this article, shall be construed to mean the "practice of medicine" as a profession or means of livelihood, and by one duly licensed or registered. If a license or register by law at the time when such practise is alleged or claimed, or by one otherwise duly qualified to practise medicine, if other qualifications were required by law at such date.

Ibid.

62. It shall be the duty of the secretary of either or both of said State boards of medical examiners to inquire into all violations of law under this article, and to institute all proceedings or prosecutions thereof, and all expenses incurred by any secretary of either of such boards hereunder, shall be allowed and paid out of the funds acquired by or belonging to said boards respectively.