Physicians, License to Practice Medicine. Medicine, Practicing Without License. License, Practicing Medicine Without. Insane, Inquiry as to, Physicians as Jurors.

Serving as a juror in examination of a person accused of being insane is not practising medicine, hence not a violation of the law requiring a license.

December 21st, 1912.

Hon. L. C. Rinard,
County Attorney,
Thompson, Montana.

Dear Sir:

I am in receipt of your letter of the 16th inst., submitting the question as to whether serving on a jury or commission to determine the mental conditions of a person accused of insanity is practicing medicine within the meaning of Secs. 1591 and 8544 of the Revised Codes.

Under the provisions of Sec. 1136, it is the duty of the person having in charge such examination to subpoena at least two graduates

of medicine, etc. It appears from your statement that Mr. Ingram was subpoenaed and served at such examination in obedience to such subpoena. The law undoubtedly means that the physicians so serving shall be physicians who are recognized as such under the laws of the State of Montana, and hence, if anyone is subpoenaed and serves on such commission who is not a physician, the provisions of Sec. 1136 have not been strictly complied with, but the only effect this would have, if any, would be to vitiate the committment. The person summoned as a physician appears in obedience to the subpoena, and he would be guilty of contempt if he refused to appear, hence, as to him, it is In Invitum. His qualifications should be inquired into at the time. I do not believe that such person, under the circumstances, would be practicing medicine within the meaning of Secs. 1591 and 8544 of the Revised Codes. If he gave false answers to questions asked him touching his qualifiacations he might be guilty of contempt, or otherwise, or if he held himself out as a physician it might put a new phase on the question, but the mere fact alone of having been subpoenaed and served in obedience to the subpoena would not be sufficient to convict him.

I return herewith the copy of the certificate of physicians which you enclosed.

Very truly yours,
ALBERT J. GALEN,
Attorney General.