

of inquiry and courts martial, and such board shall examine into the moral character, capacity and general fitness for the service of such commissioned officer, and record and return the testimony taken and a record of its proceedings and findings. If the findings of such board be unfavorable to such officer, and be approved by the Governor, he shall be discharged from the service. Failure to appear when ordered before a board constituted under this section shall be sufficient ground for a finding by such board that the officer ordered to appear be discharged.

Section XXXV. There shall be a retired list exclusively restricted to retirement of officers on the active list of the authorized organized militia and none other, to be known and designated as the "Maryland National Guard Retired," and the officers place thereon as herein provided shall be authorized to wear their uniforms and equipments upon all military occasions and occasions of ceremony. Retired officers upon said list shall be amenable to court-martial for military offences to the same extent as officers on the active list of the Maryland National Guard. Any officer of the National Guard who has reached the age of sixty-four years shall be placed upon the retired list by the Governor. Any commissioned officer who shall have served in the military service of the State for fifteen years may upon his own request be placed upon the retired list and withdrawn from active service and command by the Governor. Any commissioned officer who shall have served in the military service of the State for ten years and who because of change of residence has become incapable of performing the duties of his office, may be placed upon the retired list. Any commissioned officer who has become or shall hereafter become disabled and thereby incapable of performing the duties of his office shall be withdrawn from active service and command and placed on the retired list. Any commissioned officer who has become or shall hereafter become unfit or incompetent and thereby incapable of performing the duties of his office shall be discharged upon the recommendation of his commanding officer, or upon the recommendation of an inspecting officer. Such retirement or discharge shall be by order of the Governor, and in either case shall be subject to provisions of this section. Before making such order a board of not less than three commissioned officers, one of whom shall be a surgeon, shall be appointed, whose duty it shall be to determine the facts as to the nature and cause of incapacity of such officer as appears disabled or unfit or incompetent from any cause to perform military serv-