

ice and whose case shall be referred to it. No officer whose grade or promotion would be affected by the decision of such board in any case that may come before it shall participate in the examination or decision of the board in such case. Such board is hereby invested with the powers of courts of inquiry and courts-martial, and whenever it finds an officer incapacitated for active service shall report such fact to the Governor, stating cause of incapacity, whether from disability, unfitness or incompetence; and if he approves such findings such officer shall be placed on the retired list or discharged, as provided for in this section. The members of the board shall, before entering upon the discharge of their duties be sworn to an honest and impartial performance of their duties as members of such board. No officer shall be placed upon the retired list or discharged by the action of such board before having had a full and fair hearing before the board, if upon due notice he shall demand it. It shall not be necessary to refer any case for the action of such board arising under this section unless the officer designated to be placed upon the retired list or discharged shall, within twenty days after being notified that he will be so retired or discharged serve on the Adjutant General a notice in writing that he demands a hearing and examination before such boards. Boards shall be appointed by the Governor for officers above the grade of colonel and captain of the Naval Brigade, and by the Commanding officer of the First Brigade for officers below the grade of brigadier-general, and for officers in the Naval Brigade below the rank of Captain by the commanding officer of the Naval Brigade. The Governor may withdraw from active service and command and place upon the retired list any officer who has been twenty-five years in the active service of the National Guard on the recommendation of the commanding officer of the First Brigade or Naval Brigade. Vacancies created by the operation of this section shall be filled in the same manner as other vacancies.

Section XXXVI. The Governor may, upon the request of the commanding officer of any organization, approved by the Brigade Commander or the Commander of the Naval Brigade, detail officers on the retired list, unassigned or reserve list for active duty, in which case they shall rank in their grade from the date of such detail, and he may relieve them from such duty and return them at his discretion.

Section XXXVII. The Governor may, upon the recommendation of their commanding officers (approved by the Bri-