So soon as these State Banks are organized associations under this Act of Congress their charters granted by this State are superseded, and the powers, duties and privileges, and indeed their very existence, thereby conferred will cease; and with their other duties this one of paying the school tax to the State will cease also. They will owe their existences, powers, duties and privileges to this Act of Congress; they will then become associations for the purpose of aiding in the administration of the affairs of the General Government, and be subject to its sovereignty and laws. The right to continue this tax on the capital of these associations by the State which assumes the continuance of that authority over them will then cease to exist. If it exist to the extent of imposing this tax, it may impose any other tax, and there will be no limit to the exercise by the State of this taxing power, until it might actually destroy the usefulness of these associations to the United States, frustrate this law of Congress and render it in this matter subordinate to the law of the State, which the Constitution of the United States forbids.

In the case of McCullough vs. Maryland (4 Wheat. Rep. 436,) when this State undertook to tax the Branch of the Bank of the United States in Baltimore, a case similar to that proposed by this inquiry, and when this whole subject was fully and ably discussed, Judge Marshall concludes by stating as the opinion of the Court, "that the States have no power by taxation or otherwise to retard, impede, burden, or in any manner control the operations of the Constitutional Laws enacted by Congress, to carry into effect the powers vested in the General Government." "We are unanimously of opinion," says he, "that the law passed by the Legislature of Maryland, imposing a tax on the Bank of the United States is unconstitutional and void." It need not be added that if the State have no power to impose this tax it could have none to enforce it. See 3 Gill, 14, Howell vs. State.

There is another objection to the power of the State to impose a tax upon the capital of these associations. They are required to invest at least one-third of their capitals in the bonds of the United States, and these bonds are exempted from taxation by the 41st section of this Act of Congress. This provision was no doubt, made to add value to the bonds and credit to the Government—an attempt therefore, of the State to tax the capital of these associations would frustrate his intention of the Act of Congress. It would indirectly and to the extent of one-third of their capital be a tax on these bonds of the United States, and must operate upon the power given to the Government to borrow money and have a sensible influence upon its credit—"such a tax," the Supreme Court of the United States decided in 2 Peters, 467 Weston vs. city of Charleston, "however inconsiderable, is a burden upon