

served by the State over the charters of all the Banks now incorporated under its own laws, I beg leave to refer to the Act of 1853, chapter 441, entitled, "an Act to continue the corporate existence of the several Banking Institutions therein mentioned," whereby it will appear that most of the Banks in this State have their charters continued, "upon this further condition that this act, and every part of it, may be altered from time to time, or repealed by the Legislature;" and I also beg leave to refer to the charters of the Banks since incorporated, most of which contain the same reservation, though it does not appear in some of them. This is the extent of the control reserved by the State over the charters of these Banks, and may be considered as unlimited over all those to which it applies.

*4th Inquiry.*—Has the State the power to prevent the State Banks from organizing under the National Currency Act?

I am of opinion, that the State *as such* has no power to prevent the State Banks from organizing under this Act of Congress, because that act does authorize the State Banks so to organize, and the exercise of this power by the State would be an attempt to nullify some of the provisions of this law of Congress, which is the supreme law of the land.

By the 17th section of the act of the General Assembly, 1853, chapter 441, it is implied that the President and Directors or a majority of the stockholders of any Bank may determine to close its operations. That being done they may afterwards form themselves into a National Association as any other individuals.

But if the State be a *stockholder* in any of the State Banks to an amount more than one third of its capital, it may as such stockholder refuse to authorize the Directors to comply with the provisions of the 44th section of that Act of Congress, and thus prevent that Bank from organizing under it, and in like manner, to the extent of its interest as a stockholder, prevent such an organization by any other State Bank.

*5th Inquiry.*—"Has the State the power to enforce the payment of the school tax against State Banks which may organize under the National Currency Act."

The school tax here referred to is no doubt that created by the act of 1853, chapter 441, and other acts incorporating new Banks, whereby it is enacted that the State Banks, "shall pay to the Treasurer of the State of Maryland, the sum of twenty cents on every hundred dollars of their capital stock paid in, to be applied by the Treasurer in augmentation of the Free School fund of the State."