

Case Brief Example

McCulloch v. Maryland, 17 U.S. 316 (1819)

Facts:

The United States Bank was rechartered by congressional legislation passed in 1816 after the original charter had been allowed to expire due to intense political disagreement over the necessity and constitutionality of a national bank. The Maryland state legislature passed a law requiring that all banks not chartered by the state pay a 2% tax on the value of notes issued or a flat \$15,000 fee per year. Noncompliance with the state statute resulted in a \$500.00 penalty per violation. James McCulloch was the cashier at the Baltimore Maryland branch of the U.S. Bank. He refused to pay the tax arguing that the state of Maryland had no authority to tax the bank because it was a federal entity. The state of Maryland contended that the charter of the U.S. Bank was an unconstitutional exercise of power by the national government and the states retain the sovereign right of taxation within their own geographic boundaries. Furthermore, the national government cannot infringe upon that right or any others retained by the states, because the Constitution itself was an act of the sovereign states who are independent of and supreme to the national government.

McCulloch was convicted of violating the Maryland statute. The Maryland Court of Appeals upheld the conviction and the case was appealed to the United States Supreme Court through a writ of error.

Issues:

- (1) Whether the legislation chartering the U.S. Bank was a constitutionally acceptable exercise of Congressional powers?
- (2) Whether the state of Maryland has authority under the U.S. Constitution to tax a federal entity?

Holding:

In a 7/0 decision, the United States Supreme Court declared the act of Congress creating the U.S. Bank an acceptable exercise of "implied" power granted by the Constitution. Additionally, the Supreme Court ruled that the Maryland law which imposed a tax on the U.S. bank violated the U.S. Constitution's Supremacy Clause and was therefore void.

Rationale:

In upholding the constitutionality of the U.S. Bank, Chief Justice Marshall defined the role of the Necessary and Proper Clause in relation to implied powers granted to Congress by the U.S. Constitution. Marshall establishes the legitimacy of implied powers by arguing that, unlike the Articles of Confederation, there are

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Formal Techniques for Networked and Distributed Systems - FORTE 2006 Elie Najm, Jean-Francois Pradat-Peyre, Véronique Vigié Donzeau-Gouge, 2006-10-04 This book constitutes the refereed proceedings of the 26th IFIP WG 6.1 International Conference on Formal Techniques for Networked and Distributed Systems FORTE 2006 held in Paris France in September 2006 The 26 revised full papers and 4 short papers presented together with 3 invited lectures were carefully reviewed and selected from 177 submissions The papers focus on the construction of middleware and services using formalised and verified approaches

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The Magazine of Science, and Schools of Art, 1841

A Digest of the Bankruptcy Decisions Under the National Bankruptcy Act of 1898 Austin B. Griffin, 1927

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Computational Approaches to Morphology and Syntax Brian Roark, Richard Sproat, 2007-08-09 The book will appeal to scholars and advanced students of morphology syntax computational linguistics and natural language processing NLP It provides a critical and practical guide to computational techniques for handling morphological and syntactic phenomena showing how these techniques have been used and modified in practice The authors discuss the nature and uses of syntactic parsers and examine the problems and opportunities of parsing algorithms for finite state context free and various context sensitive grammars They relate approaches for describing syntax and morphology to formal mechanisms and algorithms and present well motivated approaches for augmenting grammars with weights or probabilities

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