

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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James Smith McMaster



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Table of Contents From Cases To Composition

1. Understanding the eBook From Cases To Composition
 - The Rise of Digital Reading From Cases To Composition
 - Advantages of eBooks Over Traditional Books
2. Identifying From Cases To Composition
 - Exploring Different Genres
 - Considering Fiction vs. Non-Fiction
 - Determining Your Reading Goals
3. Choosing the Right eBook Platform
 - Popular eBook Platforms
 - Features to Look for in an From Cases To Composition
 - User-Friendly Interface
4. Exploring eBook Recommendations from From Cases To Composition
 - Personalized Recommendations
 - From Cases To Composition User Reviews and Ratings
 - From Cases To Composition and Bestseller Lists
5. Accessing From Cases To Composition Free and Paid eBooks

- From Cases To Composition Public Domain eBooks
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- From Cases To Composition Budget-Friendly Options
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 - ePub, PDF, MOBI, and More
 - From Cases To Composition Compatibility with Devices
 - From Cases To Composition Enhanced eBook Features
- 7. Enhancing Your Reading Experience
 - Adjustable Fonts and Text Sizes of From Cases To Composition
 - Highlighting and Note-Taking From Cases To Composition
 - Interactive Elements From Cases To Composition
- 8. Staying Engaged with From Cases To Composition
 - Joining Online Reading Communities
 - Participating in Virtual Book Clubs
 - Following Authors and Publishers From Cases To Composition
- 9. Balancing eBooks and Physical Books From Cases To Composition
 - Benefits of a Digital Library
 - Creating a Diverse Reading Collection From Cases To Composition
- 10. Overcoming Reading Challenges
 - Dealing with Digital Eye Strain
 - Minimizing Distractions
 - Managing Screen Time
- 11. Cultivating a Reading Routine From Cases To Composition
 - Setting Reading Goals From Cases To Composition
 - Carving Out Dedicated Reading Time
- 12. Sourcing Reliable Information of From Cases To Composition
 - Fact-Checking eBook Content of From Cases To Composition
 - Distinguishing Credible Sources
- 13. Promoting Lifelong Learning
 - Utilizing eBooks for Skill Development

- Exploring Educational eBooks

14. Embracing eBook Trends

- Integration of Multimedia Elements
- Interactive and Gamified eBooks

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