Maryland, and John James who sued in that behalf as well for the said State as for himself were appellees, on an appeal from the Baltimore County Court, the following Judgment was rendered by the said Court of appeals, viz. Whereupon as well the record and proceedings aforesaid, and the Judgment given in form aforesaid, as the matters aforesaid by the said James W. M'Culloch above for error assigned, being seen, and by the Court of appeals here fully understood, and mature deliberation thereupon had; for that it appears to the Court of appeals here that there is no error in the record of proceedings aforesaid, nor in the giving of the Judgment aforesaid, Therefore it is considered by the Court of appeals here that the Judgment aforesaid, given in form aforesaid, be in all things affirmed and stand in full force and effect, the said causes for error above assigned and alleged in any arise notwithstanding. And it is further considered by the Court of appeals here that the State of Maryland, and John James who sues as aforesaid have execution against the said James W. M'Culloch as well for the debt, damages, costs and charges aforesaid, adjudged unto them in the said County Court of Baltimore, as also the sum of twelve dollars, adjudged unto the said John James, who sues as aforesaid, by the Court of appeals here on his assent for his costs and charges which he hath sustained by occasion of the delay of the Execution of the Judgment aforesaid, by protest of the prosecution of the said appeal by the said James W. M'Culloch of and upon the premises as aforesaid prosecuted &c Test (signed) Thomas Harris Clerk.

as by the inspection of the transcript of the record of the said Court of appeals, which was brought into the Supreme Court of the United States by virtue of a writ of error agreeably to the act of Congress in such cases made and provided, fully and at large appears. And whereas in the present term of February in the year of our Lord one thousand eight hundred and nineteen, this cause came on to be heard on the transcript of the record of the Court of Appeals of the State of Maryland, and was argued by counsel, in consideration whereof it is the opinion of this Court that the act of the Legislature of Maryland, entitled "an act to impose a tax on all Banks or Branches thereof in the State of Maryland, not chartered by the Legislature," is contrary to the constitution of the United States and void, and therefore that the said Court of appeals of the State of Maryland erred in affirming the Judgment of the Baltimore County Court in which Judgment was rendered against James W. M'Culloch, but that the said Court of appeals of Maryland

ought to have reversed the said Judgment of the said Baltimore County Court, and to have given Judgment for the said appellant M'Culloch. It is therefore adjudged and ordered that the said Judgment of the said Court of appeals of the State of Maryland in this case be and the same is hereby reversed and annulled; and this Court proceeding to render such Judgment as the said Court of appeals should have rendered, It is further adjudged and ordered that the Judgment of the said Baltimore County Court be reversed and annulled, and that Judgment be entered in the said Baltimore County Court for the said James W. M'Culloch. You therefore are hereby commanded that such proceedings be had in said cause as according to right and justice and the laws of the United States, and agreeably to the said opinion, Judgment and orders of said Supreme Court ought to be had, the said writ of error notwithstanding. Witness the honorable John Marshall, Chief Justice of said Supreme Court this first monday of February in the year of our Lord one thousand eight hundred and nineteen.

E. B. Caldwell, clk Sup. Ct. U. S."

Which said special mandate being by the Court of appeals now here read, and mature deliberation being thereupon had, It is therefore considered by the Court of appeals here that the Judgment of Baltimore County Court aforesaid, so as aforesaid rendered, and also the affirmance of the same Judgment by the Court of appeals here be revoked, annulled and held entirely as void, and that the said James W. M'Culloch be restored to all things which by reason of the Judgment aforesaid, and also the affirmance of the same Judgment he hath lost, and that the said James W. M'Culloch go thereof without day &c And it is also considered by the Court of appeals here that the said James W. M'Culloch recover against the said John James who sues as aforesaid the sum of forty nine dollars and fifteen cents adjudged unto the said James W. M'Culloch in the said Supreme Court of the United States upon the reversal of the said Judgment of the Court of appeals here affirming the Judgment of the said County Court, and also the sum of forty four Dollars and eighty three cents, which unto the said James W. M'Culloch by the Court of appeals here on his assent is adjudged for his costs and charges which he hath sustained about his defence in the County Court aforesaid, and prosecuting his appeal of and upon the premises in the Court of appeals here in manner aforesaid &c. and that the said James W. M'Culloch have thereof execution &c

Test Th. Harris, Clk