

Dissenting Opinion: Harlan, J.

for public purposes, under the authority of the State whose instrumentality it is, is a burden upon the exercise of the powers of that corporation which only the State creating it may impose. In such a case it is immaterial to inquire whether the tax is, in its nature or by its operation, a direct or an indirect tax; for the instrumentalities of the States—among which, as is well settled, are municipal corporations, exercising powers and holding property for the benefit of the public—are not subjects of national taxation, in any form or for any purpose, while the property of private corporations and of individuals is subject to taxation by the general government for national purposes. So it has been frequently adjudged, and the question is no longer an open one in this court.

Upon the several questions about which the members of this court are equally divided in opinion, I deem it appropriate to withhold any expression of my views, because the opinion of the Chief Justice is silent in regard to those questions.

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HYDE *v.* CONTINENTAL TRUST COMPANY. No. 894. Appeal from the Circuit Court of the United States for the Southern District of New York.

THE CHIEF JUSTICE: This case differs in no essential respect from that just decided, and must be disposed of in the same way.

*Decree accordingly.*

The opinion of MR. JUSTICE FIELD was entitled in this case as well as in *Pollock v. Farmers' Loan & Trust Company*.

MR. JUSTICE WHITE and MR. JUSTICE HARLAN dissented from the decree in this case for the reasons given in their dissenting opinions in *Pollock v. Farmers' Loan and Trust Company*.