

**Sec. 10—Powers Denied to the States Cl. 3—Tonnage Duties and Interstate Compacts**

ing to tonnage,<sup>2142</sup> for services rendered to the vessel, such as pilotage, towage, charges for loading and unloading cargoes, wharfage, or storage.<sup>2143</sup>

For the purpose of determining wharfage charges, it is immaterial whether the wharf was built by the state, a municipal corporation, or an individual. Where the wharf was owned by a city, the fact that the city realized a profit beyond the amount expended did not render the toll objectionable.<sup>2144</sup> The services of harbor masters for which fees are allowed must be actually rendered, and a law permitting harbor masters or port wardens to impose a fee in all cases is void.<sup>2145</sup> A state may not levy a tonnage duty to defray the expenses of its quarantine system,<sup>2146</sup> but it may exact a fixed fee for examination of all vessels passing quarantine.<sup>2147</sup> A state license fee for ferrying on a navigable river is not a tonnage tax but rather is a proper exercise of the police power and the fact that a vessel is enrolled under federal law does not exempt it.<sup>2148</sup> In the *State Tonnage Tax Cases*,<sup>2149</sup> an annual tax on steamboats measured by their registered tonnage was held invalid despite the contention that it was a valid tax on the steamboat as property.

**KEEPING TROOPS**

This provision contemplates the use of the state's military power to put down an armed insurrection too strong to be controlled by civil authority,<sup>2150</sup> and the organization and maintenance of an active state militia is not a keeping of troops in time of peace within the prohibition of this clause.<sup>2151</sup>

**INTERSTATE COMPACTS****Background of Clause**

Except for the single limitation that the consent of Congress must be obtained, the original inherent sovereign rights of the states to

<sup>2142</sup> *Packet Co. v. Keokuk*, 95 U.S. 80 (1877); *Transportation Co. v. Parkersburg*, 107 U.S. 691 (1883); *Ouachita Packet Co. v. Aiken*, 121 U.S. 444 (1887).

<sup>2143</sup> *Cooley v. Board of Wardens*, 53 U.S. (12 How.) 299, 314 (1851); *Ex parte McNeil*, 80 U.S. (13 Wall.) 236 (1872); *Inman Steamship Co. v. Tinker*, 94 U.S. 238, 243 (1877); *Packet Co. v. St. Louis*, 100 U.S. 423 (1880); *City of Vicksburg v. Tobin*, 100 U.S. 430 (1880); *Packet Co. v. Catlettsburg*, 105 U.S. 559 (1882).

<sup>2144</sup> *Huse v. Glover*, 119 U.S. 543, 549 (1886).

<sup>2145</sup> *Steamship Co. v. Portwardens*, 73 U.S. (6 Wall.) 31 (1867).

<sup>2146</sup> *Peete v. Morgan*, 86 U.S. (19 Wall.) 581 (1874).

<sup>2147</sup> *Morgan v. Louisiana*, 118 U.S. 455, 462 (1886).

<sup>2148</sup> *Wiggins Ferry Co. v. City of East St. Louis*, 107 U.S. 365 (1883). *See also* *Gloucester Ferry Co. v. Pennsylvania*, 114 U.S. 196, 212 (1885); *Philadelphia Steamship Co. v. Pennsylvania*, 122 U.S. 326, 338 (1887); *Osborne v. City of Mobile*, 83 U.S. (16 Wall.) 479, 481 (1873).

<sup>2149</sup> 79 U.S. (12 Wall.) 204, 217 (1871).

<sup>2150</sup> *Luther v. Borden*, 48 U.S. (7 How.) 1, 45 (1849).

<sup>2151</sup> *Presser v. Illinois*, 116 U.S. 252 (1886).