

Sec. 10—Powers Denied to the States

Cl. 2—Duties on Exports and Imports

cause of the importation, whether the title to the goods vested in him at the time of shipment, or after its arrival in this country.²¹²⁰ A state franchise tax measured by properly apportioned gross receipts may be imposed upon a railroad company in respect of the company's receipts for services in handling imports and exports at its marine terminal.²¹²¹

Privilege Taxes

A state law requiring importers to take out a license to sell imported goods amounts to an indirect tax on imports and hence is unconstitutional.²¹²² Likewise, a franchise tax upon foreign corporations engaged in importing nitrate and selling it in the original packages,²¹²³ a tax on sales by brokers²¹²⁴ and auctioneers²¹²⁵ of imported merchandise in original packages, and a tax on the sale of goods in foreign commerce consisting of an annual license fee plus a percentage of gross sales,²¹²⁶ have been held invalid. On the other hand, pilotage fees,²¹²⁷ a tax upon the gross sales of a purchaser from the importer,²¹²⁸ a license tax upon dealing in fish which, through processing, handling, and sale, have lost their distinctive character as imports,²¹²⁹ an annual license fee imposed on persons engaged in buying and selling foreign bills of exchange,²¹³⁰ and a tax upon the right of an alien to receive property as heir, legatee, or donee of a deceased person²¹³¹ have been held not to be duties on imports or exports.

Property Taxes

Overruling a line of prior decisions that it thought misinterpreted the language of *Brown v. Maryland*, the Court now holds that the clause does not prevent a state from levying a nondiscriminatory, *ad valorem* property tax upon goods that are no longer in

²¹²⁰ 324 U.S. at 664.

²¹²¹ *Canton R.R. v. Regan*, 340 U.S. 511 (1951).

²¹²² *Brown v. Maryland*, 25 U.S. (12 Wheat.) 419, 447 (1827).

²¹²³ *Anglo-Chilean Corp. v. Alabama*, 288 U.S. 218 (1933).

²¹²⁴ *Low v. Austin*, 80 U.S. (13 Wall.) 29, 33 (1872).

²¹²⁵ *Cook v. Pennsylvania*, 97 U.S. 566, 573 (1878).

²¹²⁶ *Crew Levick Co. v. Pennsylvania*, 245 U.S. 292 (1917).

²¹²⁷ *Cooley v. Board of Wardens*, 53 U.S. (12 How.) 299, 313 (1851).

²¹²⁸ *Waring v. The Mayor*, 75 U.S. (8 Wall.) 110, 122 (1869). *See also* *Pervear v. Massachusetts*, 72 U.S. (5 Wall.) 475, 478 (1867); *Schollenberger v. Pennsylvania*, 171 U.S. 1, 24 (1898).

²¹²⁹ *Gulf Fisheries Co. v. MacInerney*, 276 U.S. 124 (1928).

²¹³⁰ *Nathan v. Louisiana*, 49 U.S. (8 How.) 73, 81 (1850).

²¹³¹ *Mager v. Grima*, 49 U.S. (8 How.) 490 (1850).