

AMERICAN CONSTITUTIONALISM  
VOLUME II: RIGHTS AND LIBERTIES  
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Supplementary Material

Chapter 5: The Jacksonian Era – Equality/Equality Under Law

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William Leggett, **Monopolies** (1834)<sup>1</sup>

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*William Leggett vigorously defended the Democratic Party's understandings of equality under law. He had particular scorn for monopolies and special incorporation statutes. "Let them have their equal rights," he stated when criticizing state laws granting exclusive privileges to corporations, "but let them have no more."<sup>2</sup>*

*The following excerpt is an example of how Leggett made conventional use of egalitarian rhetoric when condemning monopolies. Compare this passage to the analysis in Wally's Heir v. Kennedy. In Wally's Heir, the Supreme Court of Tennessee invoked equality when declaring unconstitutional laws that favored Native Americans. Leggett invokes equality when condemning laws that favored more affluent citizens. Does this suggest that Jacksonians had a principled commitment to equality? Alternatively, might some Jacksonians have been more inclined to appeal to equality as a means for protecting more affluent citizens while other Jacksonians had a greater tendency to appeal to equality when protecting less affluent citizens?*

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The question . . . is not whether an act of incorporation may not be passed by a legislative body from the purest of motives of public good, nor whether the public good may not in some instances be promoted by such an act. The true question is whether all history, all experience, nay, the very nature of man, does not support the position that this power of granting privileges, either wholly or partially exclusive, is not one that has always led, and, as we have thence a right to infer, will always lead, not only to corruption and abuse, but to either open or secret infringements of the sanctity of Equal Rights? This is the only question worthy of a high-minded and patriotic politician. It is not whether the practice may not occasionally lead to public or social, or individual benefit; but whether it has not in the past been made, and whether it will not in the future be made again, the fruitful source of those inequalities in human condition—those extremes of wealth and poverty, so uniformly fatal to the liberties of mankind.

Our pen has been often employed, and we trust not wholly without effect, in pointing out and illustrating the evil consequences of this system of bartering away the reserved rights of the great mass of the community, in exchange for public bonuses and private *douceurs*, either direct or indirect, or in furtherance of political views. This system has deranged the whole organization of society, destroyed its equilibrium, and metamorphosed a government the fundamental principle of which is equal rights to every free citizen, to one of EQUAL WRONGS to every class that does not directly share in its monopolies.

We neither wish to pull down the rich, nor to bolster them up by partial laws, beneficial to them alone, and injurious to all besides. We have repeated, again and again, that all we desire is, that the property of the rich may be placed on the same footing with the labors of the poor. We do not incorporate the different classes of tradesmen, to enable them to dictate to their employers the rate of their wages; we do not incorporate the farmers to enable them to establish a price for their products; and why then should we incorporate moneyed men (or men having only their wits for a capital) with privileges and powers that enable them to control the value of the poor man's labour, and not only the products of the land, but even the land itself?

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<sup>1</sup> *Evening Post*, November 20, 1834.

<sup>2</sup> *Evening Post*, November 29, 1834.