Hugh Henry Brackenridge, friend and Princeton classmate of Philip Frenieu and James Madison, was appointed state supreme court judge by Governor Thomas M'Kean in 1799. At the time he was living in Pittsburgh; but he moved in 1801 to Carlisle, where he devoted much of his time to writing and publishing. He visited Philadelphia now and then, and while there contributed essays and letters to the newspapers. These writings have not all been recorded; occasionally a new one comes to light.

One has been found relating to his "resignation" from the judgeship in 1804—a political reply to an attempt to force his resignation or removal. In Philadelphia a year later, he noted a mutilated copy of that statement in the *Aurora* for March 21, and sent a note of protest:

TO THE EDITOR OF THE AURORA

Philadelphia, March 21, 1805.

SIR . . . In your paper of this morning, appears what purports to be a letter of resignation from me to the governor, on the 5th of April, 1804. It is certain that such a letter was prepared by me, and a few copies struck off at a confidential press, one of which would seem to have got abroad, but without my knowledge or agency. But it was not delivered to the governor, and therefore is not to be considered as a resignation delivered, or accepted, though it contains the honest senti-

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ments of my heart on the occasion.

Yours,

H. H. BRACKENRIDGE.

Postscript to my note to the editor of the Aurora of this morning.

Excuse the trouble I give you, enclosing one of the print-
ed copies of which I speak, that which has appeared not being
altogether correct: words are omitted, and my signature is added.

Yours,

H. H. BRACKENRIDGE.

March 21, 1805.

What follows may be taken, therefore, as Brackenridge's original and
authorized form of this never-sent resignation, which was written to
M'Kean in Philadelphia during the preceding April:

PHILADELPHIA, April 7th, 1804

His excellency Thomas M'Kean, governor of the state of Pennsylvania

I have seen the address of two thirds of each house of the
legislature, for the purpose of removing me from the bench of
the supreme court of the state. I know that by the constitution
your excellency is not bound to remove. But I chuse to remove
myself, and, under these circumstances, decline to hold the
commission which I had the honor to receive from your excell-
ency—I have waited the coming of your excellency to the
city, to resign it.

The address states it to be in consequence of my letter to
the speaker of the house of representatives, relative to a judg-
ment of the supreme court, in the case of Thomas Passmore, for
a trespass on the administration of justice; or, in the language of
the law, a contempt. My situation was delicate—I had con-
curred in the judgment, though the evidence of this before
the committee and the house was contradictory, and not posi-
tive. But it was the fact, and I could not, in honor, stand by,
and not submit myself to the consequence. The house have
construed it a contempt. But I flatter myself, that your excel-
licity will think, that on the part of the house, there may have
been a misconception of the scope of my letter, or particular
expressions. It was in my mind, as I have expressed it, to re-
lieve the administration with the public, whose surmise was, though unjust, that the committee of the house had left me out through favor and affection. For, coming in with the republican administration, I was considered as belonging to it; not in the decisions of the bench, I hope, but in political sentiments.—No contempt was intended.

I am Sir . . .

The *Aurora* of March 21 had carried virtually the same item, dated however April 5, 1805, and signed “H. H. B.,” introduced by a note signed “A.,” who was evidently one of those who were still trying to force Brackenridge out.

The incident out of which the “contempt” took place was a sentence for contempt on Thomas Passmore by the state supreme court. Passmore had posted an angry note about certain insurers whose case (about his application for payment) was still being considered by the court—and this note was taken as a contempt. Passmore was fined and sent to jail. Now Brackenridge concurred in this sentence, though absent at the first two of three meetings of the judges. Impeachment proceedings in the legislature were then begun against the other three judges; Brackenridge was left out because of his small part in the trial. But on March 22, 1804, he wrote to the house speaker, admitting his concurrence and begging not to be excepted in the proceedings. The house refused to include him, but nevertheless decided that he ought to be removed because, in his letter, he had insinuated “that the House was actuated in their proceedings against the other judges by party motives.” This insinuation was evidently the offense considered to be a “contempt.”

The other judges were acquitted, but the acrimony toward the judicial system continued for years. In his continuation of the novel *Modern Chivalry*, Brackenridge included some of the issues that had arisen. And in the pre-election campaign of 1805, he wrote several political articles for M’Kean and against Snyder.

This statement by Brackenridge, in 1805, was a signal for his enemies (and those of M’Kean) to elaborate their reasons for his dismissal. One “Hutchinson” (pseudonym) wrote a long series of letters from

4 Ibid., pages 242-246.
5 Ibid., pages 249-250.
6 Ibid., pages 267-270.
March to October, arguing both for his discharge and for a convention to alter the constitution. A strong point made by the writer (March 26) was that Pennsylvania allowed judges to hold office “during good behaviour” and the governor to appoint without “check or control—thus giving him a greater power and influence than are enjoyed by any other governor in the union.”

The Aurora and some of its writers continued to agitate for a convention and against M'Kean all summer and fall, until the elections were held. On March 27, the paper published a “MEMORIAL FOR A CONVENTION,” petitions to be signed at the Aurora office and seven other places in the city.

But M'Kean was re-elected anyway, beating Snyder by about 43,000 to 38,000 (Aurora, December 24, 1805). And since he refused to depose Brackenridge, that apparently unpopular, but independent gentleman continued to judge and behave in his usual characteristic, unpredictable manner.