



The New York Public Library
Manuscripts and Archives Division

Guide to the

John Peter Zenger trial collection

1733-1734

MssCol 37

Compiled by Claudia Funke, 1988

Summary

Creator: Alexander, James, 1691-1756

Title: John Peter Zenger trial collection

Date: 1733-1734

Size: .25 linear feet (1 box)

Source: Purchased from George Miller, 1940

Abstract: James Alexander (1691-1756) was counsel for John Peter Zenger during his trial for libel, 1734-1735, in Mount Vernon, Westchester County, New York. The collection consists of papers relating to the trial of John Peter Zenger, written or collected by Alexander. Papers contain letters, notes, articles, legal documents, drafts written by William Smith, Zenger's second counsel, and related papers.

Access: Advance notice required.

Preferred citation: John Peter Zenger trial collection, Manuscripts and Archives Division, The New York Public Library

Processing note: Compiled by Claudia Funke, 1988

Creator History

James Alexander (1691-1756) was counsel for John Peter Zenger during his trial for libel, 1734-1735, in Mount Vernon, Westchester County, New York. A descendant of the Earl of Stirling, Alexander emigrated from Scotland to America after the unsuccessful Rebellion of 1715. Upon his arrival in New Jersey he was appointed surveyor general for the province; subsequently he studied law and was appointed attorney general in 1723. He served as a member of the Council of New York as well as the Council of New Jersey.

In 1732 Alexander began his career in opposition politics when he and William Smith defended Rip Van Dam against the salary claims of William Cosby, the provincial governor of New York. At Cosby's prompting, Alexander was removed from the Council of New York. On February 1, 1734, a death threat

was lodged against Alexander and his family in a letter declared to be in the hand of Francis Harison, a close associate of Cosby's. Investigation of the case was hampered by the partisan council, and a grand jury declined to indict.

Alexander and Smith fought Cosby most vigorously through anonymous and pseudonymous articles and letters-to-the-editor in John Peter Zenger's *New-York Weekly Journal*. As printer and publisher, Zenger was eventually charged with libel and imprisoned in November 1734. Alexander and Smith served as attorneys and obtained a writ of habeas corpus. The grand jury refused to indict, both the attorney general proceeded by information. Alexander and Smith objected and were disbarred in 1735. Andrew Hamilton concluded Zenger's defense, obtaining an acquittal. After Cosby's death in 1736, Alexander and Smith were reinstated as members of the bar and Alexander was recalled to the Council of New York.

Scope and Content Note

The John Peter Zenger trial collection includes letters, affidavits, and other documents, many relating to the trial. The papers, arranged chronologically, are mostly in the hand of James Alexander. Many of these are articles and letters addressed to Zenger for publication in *New-York Weekly Journal* and reveal Alexander's responsibility for the intellectual content of the paper. There is a statement of Zenger's estate, with his signature, as well as documents pertaining to his trial. There are also significant documents related to the death threat received by Alexander. A 1722 holograph manuscript of Francis Harison is believed to have been used by the opposition party for comparison with the death threat letter.

Key Terms

Subjects

Civil rights -- United States
Freedom of the press -- New York (State)
Trials (Libel) -- New York (State)

Occupations

Lawyers

Geographic Names

United States -- History -- Colonial period, ca. 1600-1775

Names

Alexander, James, 1691-1756
Smith, William, 1697-1769
Zenger, John Peter, 1697-1746