A Coeymans Tragedy

The Killing of Erskine Wood by Hiram G. Briggs
1880

As reported by

The Coeymans Herald

Transcribed & edited by

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Ravena, NY
December 2005
INTRODUCTION

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C.F.
Terrible Tragedy
An Outraged Husband Murders His Wife’s Paramour

A SUNDAY MORNING CRIME

Unexpectedly Comes Home and Discovers His Wife’s Infidelity

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Sunday morning our village was thrown into a state of great excitement by the report that a case of shooting had taken place at Stephensville, in this town, distant some seven miles from this place. Hiram G. Briggs, formerly a prosperous farmer in Stephensville, some two years ago became involved in a civil service suit, which resulted in his being confined to the jail limits of the city of Albany, except between Saturday night and Monday morning, pending the action against him. He some time since engaged the services of one Erskine Wood, of Rensselaer, an unmarried man aged 23 years, to oversee the work on his farm and assume control in his absence. Lately rumors have been in circulation that all things were not as strict as they should be at the farm house, and that Wood and Mrs. Briggs were a little too intimate. These rumors at length reached the ears of Briggs and it is said he concluded to watch. On Saturday he sent a postal card to his wife saying that he would not come down that night, but would come down on the steamer Emita the next morning and told her to meet him at the dock. Then he

BEGAN LAYING HIS PLANS

To reach here in such a way as to take those at home by surprise. He get on board a tow that was coming down the river and the propeller Willie happening to be with the tow. He was enabled to reach this village about 11 o’clock in the evening. He then procured a horse and carriage here and started out. A short distance from home he tied his horse by the side of the road and went on foot to the house. He then carefully inspected the premises, and succeeded in gaining an entrance into the house. He found all things quiet, his wife quietly sleeping in her room and Wood in his. Now the stories differ somewhat, and we leave each to give their own statements.

According to Briggs’ statement he had not long been there when he saw Wood in a perfectly nude state glide by the door. Briggs did not pay attention, as he supposed Wood might have slept that way on account of the heat, and that he was then going up stairs for clean clothes with which to dress himself for Sunday. But a terrible revelation came upon Mr. Briggs with a sudden shock, as he saw that instead of going up stairs Wood had entered his wife’s room. Briggs at once turned the light on full and strode rapidly after Wood. Entering the room he did not utter a word but, pulling a revolver, fired at Wood twice, both shots taking effect. Wood, stooping down, made a rush for the door, eluding a third shot, and running through the sitting room he burst the door open and plunged head foremost through an outer false door. Reaching the gate he did not stop to open it, but pulled it from its fastenings. Meanwhile the blood was flowing rapidly from the wounds having stained the sitting room carpets and been dashed over the door and gate.
WITH BLOOD FLOWING IN TORRENTS

from his wounds and in pitable (sic) condition Wood reached the residence of Mr. Day, nearly a quarter of a mile distant, and rapped loudly. He informed the startled inmates that he had been shot. He was taken in and Dr. Elmendorf was sent for. He found that Wood’s wounds were of so serious a nature that he sent for Dr. F.G. Mosher, of this village. One of the balls had entered Wood’s left arm near the elbow, and had ploughed up through the muscles, coming out just below the shoulder, the other ball penetrated his breast and passing through the right lung had taken a downward course and could not be found. The Doctors say that the wounds will probably prove fatal.
and when word reached this village of the affair, J.N. Briggs (one of Hiram Briggs’ bondsmen in the civil service action) accompanied by Wm. H. Keller, and acting under advice of counsel, proceeded to the scene of tragedy. In the afternoon they returned, accompanied by Hiram, whom Mr. B. took on board the Emita and conveyed to Albany where he surrendered him to the proper officials.

BRIGGS COMMITTED – WOOD’S STATEMENT REGARDING THE SHOOTING.

Mr. Briggs was before Justice Clute of Albany, Monday, who formally committed him to jail. On the testimony of Justice Isaac T. Davis, of Coeymans, who was sworn and said: I know Erskine Wood. I saw him on Sunday. He made complaint to me against the defendant Briggs for an assault with a pistol. He was shot in the arm and in the breast. He is not able to appear in court at this time.

It is natural that a man in telling his own side of a story should exonerate himself as nearly as possible, and Wood has endeavored to do so in his statement, which is given without comment, as it needs none. He said he had been in the habit of sleeping in a nude state for the past few hot nights. His apartment was in the upper story. On Saturday night he was laying in bed, as usual, and hearing a noise down stairs, thought burglars were in the house, and forgetting all else in his fright, jumped out of bed and ran down stairs to Mrs. Briggs’s room, but found her asleep. He was turning to leave when the supposed burglar, but in reality the husband, confronted him and fired three shots, two of which took effect. In his terror he then ran out of the house and went to the neighbor’s where he now lies.

DEATH OF WOOD

Wood died at 2 o’clock yesterday afternoon, from the effects of his wounds.

NOTES:

Mrs. Briggs appears indifferent about the matter, and apparently does not realize the position she is placed in.

Mr. E.W. Bogardus, of the District Attorney’s office is making such investigation into the matter as shall deem necessary.

Brigg’s has very few sympathizers around Stephensville.

Counselors J.M. Harris, of this village, and N.K. Moak, of Albany, have been secured as counsel for Hiram G. Briggs.
The Coeymans Herald  
July 21, 1880

The Coeymans Tragedy
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Further Details of the Sad Affair

THE POST-MORTEM EXAMINATION

Living 56 Hours with a Bullet
Through His Heart

BRIGGS ARRAIGNED.

The Wife Testifying Against Her Husband

Corroborating Wood’s Testimony and Declaring Herself Guiltless of any Impropriety

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The Briggs tragedy still remains the chief topic of conversation about town, and every new development is debated pro and con. The sympathy is still with the friends of Wood, whose sad death is much deplored. It is thought that if Briggs had stopped to consider the questionable sources from which gossip of his wife’s infidelity reached his ears, he would have acted less hastily, and would not have been guilty of the terrible murder which he now regrets he committed.

The post-mortem examination of the body of Erskine Wood was held last Wednesday afternoon, at the house of Jacob Day, where the young man fled after receiving his wounds and where he died. The house is nearly a half mile from that of Mr. Briggs. Drs Lewis Balch, W.H. Murray, H.K. Starkweather and W.H. Hagadorn were deputized to make the examination. Drs. Jacob and F.G. Mosher were also in attendance.

The body was in the front room of the house, stretched on a rude bunk and covered with a sheet. On removing (the) sheet the features showed that the victim must have suffered excruciating agony. They were somewhat distorted, and as the remains had not been place in ice (as is usually the custom with all undertakers), the neighbors, judging they had no right to disturb the body until the arrival of the coroner, it had become somewhat decomposed. The physicians, under the direction of Dr. Balch, who assumed charge of the operation, commenced a search for the bullets about two o’clock in the afternoon, and after a diligent search of over two hours, at last found the bullet, which had entered the body about six inches from the right shoulder and had passed through the left auricle of the heart and through the liver, where it was finally found in the cellular tissue beneath the liver. Another bullet had passed through the right arm and lodged in the chest. The deceased was of a strong muscular development, and the fact that he was able
after receiving such deadly wounds to run a distance of nearly half a mile and then survive fifty-six hours, causes this to rank as one of the most remarkable cases on record. It has been generally supposed that a wound of that nature was immediately fatal.

**MRS. BRIGGS INTERVIEWED**

The farm house of Hiram G. Briggs is situated on a gentle slope, east of the place where the post mortem examination was held. The house is very pleasantly located, surrounded by neat outbuildings and shade trees, and is a two story building painted white. The room that the unfortunate young man occupied is situated on the ground floor in the rear of the sitting room. Just across the sitting room about eighteen feet off is the bed room of Mrs. Briggs. When the reporter called upon Mrs. Briggs on Wednesday she appeared to realize in a great degree the trouble that had fallen upon her. She was neatly dressed in a light summer dress trimmed with black ribbons. Her father and a Mr. Day were present and showed the physicians and reporter the house and the direction taken by Wood after receiving the fatal wound. He ran from the bed room of Mrs. B. through the sitting room and parlor, to a front door which was guarded by a sort of false door made of Venetian blinds. This false door was secured by a bolt of cast iron about 8 inches long and one in width and 1-6 of an inch thick. He burst against this and broke it and ran down the walk, which is of stone flags, leaving, as he ran across the room, traces of the blood that poured from his wounds.

Mrs. Briggs denies all improper intimacy with Wood, and claims she was awakened by the reports of the pistol in the hands of her infuriated husband. It is only fair to Mrs. Briggs to say that she seems to have the sympathy of the neighbors; and there is a widespread belief that she is more sinned against than sinning. We have no disposition to prejudge the case as the trial of Briggs will probably develop the truth of the matter, and the present belief of the neighbors, pro or con, should not be allowed to effect the conduct of the case. The only motive (according to Mrs. Briggs) which Briggs could have had in shooting the young man must have been that his mind was influenced by the usual gossip which unfortunately prevails in moral communities and is created by ignorant and designing persons out of pure malice and a desire to spread sensational rumors. The reporter heard several of Briggs’ neighbors indulge in

**VERY HARSH REMARKS**

against him and one or two rather foolishly enthusiastic persons expressed their beliefs and hopes that he would be hanged. Careful inquiry, however, developed that these parties had always disliked Briggs from some reason or other. Everyone almost spoke highly of Mrs. Briggs and were loth (sic) to believe that there was any grounds for the cruel rumors that will serve to taint her fair fame forever. In depreciating the contemptible gossip so prevalent in some rural communities it is by some believed that the young man was sacrificed by it, and that Briggs’s jealousy was aroused and, notwithstanding the confidence he had expressed in his wife, he was determined to watch for the destroyer of his peace of mind and, seeing Wood under the questionable circumstances, he could not restrain the impulse of shooting him. It may be that Wood really thought there were burglars in the house and was in search of them. Certain it is that he was the victim of a terrible concatenation of circumstances, and has paid the penalty of his indiscretion with his life.
The funeral services were held Thursday at Stephensville, in the Christian church and the sermon was preached by Rev. Mr. Henry of Medway, Greene county.

In an interview with Mrs. Garvey the mother of the deceased, she informed the reporter that Mrs. Briggs told her that her husband had said that he was prepared to kill Wood on the Sunday previous, and that all that restrained him was the fact that she (Mrs. Garvey) was there on a visit to her son. This of itself would show that Briggs had suspected his wife of infidelity.

The pistol with which the murderous deed was committed was a Colt’s revolver, five chambers, carrying a ball of 32 calibre, and is a murderous looking weapon. It was taken charge of by Deputy Sheriff Bogardus.

THE REMAINS

after the post-mortem was completed, were taken charge of by Undertaker William Caswell of Coeymans Hollow.

MRS. BRIGGS

is a woman of medium size, of spare features, abundant dark brown hair, large brown eyes, of pleasing expression and address. She is about 27 years of age, and appeared to the reporter of a modest and retiring disposition. In speaking, she looks her questioner full and fairly in the eye, and conveys the impression that she is speaking truthfully. She averred that her husband had frequently treated her harshly, and that owing to his ungovernable temper she stood in fear of him.

Erskine Wood, the deceased, had during the time he was in the employ of Briggs, ingratiated himself with the neighbors and all bore testimony to his cheerful and obliging disposition. He was about 5 feet 10 inches in height about 160 pounds and had light brown hair, being rather good-looking. He was very steady and industrious, and was a general favorite among the young people in the neighborhood. About a month before his death Briggs presented him with a silver watch worth $8 or $10, on account of the good care that he took of the cattle and horses and for general faithfulness. Woods mother informed the reporter that before his death he frequently asked her for the watch, and expressed a desire that it should be placed under his pillow as that would make the time pass more quickly. In his delirious and flighty periods he would imagine himself to be ploughing (sic) and driving the team, and would frequently ask for “H.G.” referring to Briggs. It was impossible for the attending physicians and his friends to induce him to believe that he was near death, and but an hour or two before he breathed his last he told his mother that he would worry through and get well. As death approached he told his mother that he was willing to die and that it his time had come he was ready to go.

It is thought by some that it was

DELIBERATE AND PREMEDITATED.
The wife of Hiram G. Briggs said to one of the physicians at her home Friday, the Briggs made her get down and clean up the blood that came from Wood’s wounds from the parlor floor. It will be remembered that Briggs on Monday last claimed that he discovered Erskine Wood in his wife’s bedchamber and that the shooting took place in there. Wood, before he died, on the contrary, stated that he had not entered Mrs. Briggs room at all; that he opened the door and seeing her asleep, turned around, closed the door, and was about to depart when Briggs came upon him and shot him. In corroboration of this story, it is said there are blood stains in the parlor, where Wood alleged the shooting took place, but there are no stains in the room of Mrs. Briggs. Mrs. Briggs says that after the shooting Briggs went and got two brothers, or a brother and a nephew, who came to the house and examined it very closely but did not examine Mrs. Briggs’ bedroom. It is also said that Briggs had another with him when he drove to the house, and that they put the horse and waggon (sic) in a place that it had never been put before.

BRIGGS ARRAIGNED – AN IMPORTANT QUESTION INVOLVED – MOAK’S ARGUMENTS -- JUSTICE CLUTE’S DECISION.

The examination of Hiram G. Briggs for the murder of Erskine Wood, in the house of Briggs, on Sunday morning, the 11th inst, was begun Monday afternoon, before Justice Clute at the police court in the city of Albany.

District Attorney Hotaling appeared for the people and Mr. N.C. Moak for the prisoner, who was present and looked haggard.

The first witness called was Mrs. Briggs. Mr. Moak objected to her being sworn on the ground that she was not a competent witness. He held that the statute of 1876 did not provide for her being called unless she was called by her husband. It was so held in the 53d New York. Mr. Moak had never heard where either husband or wife had been called against each other by the people.

Justice Clute found a case in the 40th or 41st Iowa, where it was held the wife would be competent if she did not object.

Mr. Moak said that the only case he remembered in the Iowa reports was in the 47th Iowa, and it did not touch this case.

Mr. Hotaling was under the impression that Mrs. Briggs could be sworn if she so elected.

Mr. Moak cited the case of Wilkie vs the People, 53d N.Y. In this case the question whether a wife could testify against her husband was before the court of appeals and the court decided that she could not. He also referred to Chap 172 of the Laws of 1876, and the 41st Iowa which he claimed sustained his position.

Mr. Hotaling said the counsel had presented what he concedes were the rights of his client, but he submitted there was another party interested and the legislature provided that either a husband or wife may be called upon by the people, and they may give evidence if they elect to do so. He
held if Mrs. Briggs did not wish to be a witness there was no power to make her one, but if she
desired to give her evidence the People have the right to the benefit of it.

Mr. Moak made a long argument in support of his position.

Justice Clute decided that Mrs. Briggs was a competent witness if she chose to testify.

Mr. Moak objected, and hoped the justice would instruct her that she need not testify if she did
not desire to do so.

The witness was then called, and after being instructed by the justice and consulting with Mr.
Coles of Durham, Greene county, her counsel, concluded to give her evidence.

MRS. BRIGGS TELLS HER STORY UNDER OATH.

She testified as follows: My name is Allie T. Briggs. I lived in Stephensville Sunday the 11th. I
lived there six years the 18th of November. I knew Erskine Wood. He came there the second
week in March 1880. He remained at our house till July 11th. I saw him on July 10th. I last saw
him at night when he went down cellar; it was lamp light; just after dusk. I never saw him after
that. I was awakened Sunday morning by the report of a pistol. I think it was about 4 o’clock. I
heard some one say, “Oh! Mr. Briggs”; then there was a noise, a stirring about as of feet on the
floor. Briggs came to my room, pulled me out of bed by the hair of my head, and said he would
shoot me; then he told me to go back, and that was the last of it. I can’t say as to no more than
one discharge of a pistol. I could not tell how long I remained in bed; till Mr. Richard Palmer and
two others whose names I don’t know, came in. My husband told me I could get up after the men
came; when they went away I got up. I would rather not state what I saw when I got up. In the
hall and the sitting room there was blood, also in the hall by the door going in the summer sitting
room and outside of the door, and on the oil cloth, door sills and carpets in the summer sitting
room.

CROSS-EXAMINATION

Counselor Moak then commenced the cross-examination, which lasted until 6:45 p.m. Her
testimony was: “I did not understand that a postal card was at Stephensville from my husband,
and that I could not get it. Wood went to Green’s store on Saturday, got a postal card Sunday
from my husband; haven’t destroyed it; it may be about the house. I did not see a fork in the
door. I did not take it out from the door. My bed was alongside the window. I made up the two
beds which Briggs and myself occupied. My bed was on the South side, his was on the north
side, [A description of the room was then given]. The head of my bed was south and I slept
north; my husband’s head was the same. There was no light on the piano when I went to bed. I lit
a lamp about 12 o’clock to take my medicine, which consisted of a powder and some stuff in a
phial; I then made a dim light. The clock was near the north room. I took more medicine at 3:30
a.m., it consisted of a powder which I swallowed dry. I don’t know how long a time intervened
between the shooting. I was asleep when the shot was fired. It was the first noise that I heard. I
did not know that Wood swore he was talking to me when (the) first shot was fired. The robe
was on the west side. (I) saw blood on first stairs; blood was found at door going out of hall into
summer sitting room, also at foot of stairs. (I) did not look for and made no effort to find blood.
(I) saw blood on oil-cloth and carpet leading to sitting room. (The) door was open the night before. (I) can’t say if the door up stairs was open. (I) had a servant girl on the night of the shooting. She slept in the room on the northeast of the hall. She would have to pass through three doors to get to my room. The pantry and dining rooms were locked that night. The servant could not get to my room unless I unfastened them. No doors or windows were open after I retired. The parlor windows were not fastened, as far as I know. They have blinds on them. The door leading to front gate was open. I opened it the Friday previous. (I) never saw Wood go out of it. There was a key in the door; (I) don't know if it was open. I wiped up the blood, but can't tell how long after the deed that I did it. My husband has come home on Saturdays. He carried a pistol since September, which time he has been on the limits. (I) had conversation with him about getting on the limits. (I) can’t say how often he talked on that subject. Sometimes I brought my husband up. I understand the city limits to be Kenwood toll-gate. (I) don’t know how often my husband was left on the hill. He used to meet me at the toll-gate. Wood worked for us since the second week of March. Different rooms were occupied by us. The doors have always been kept locked. A bolt was put on the sitting room door since September. (I) did not see my husband and didn’t know that he was about. I think half an hour elapsed after I took my medicine before the first shot was fired. (I) kept medicine in the sitting-room on the same mantle-piece as the clock stood on. (I) don’t know what the powder was that I had taken. There is a window in my room; don’t know whether the blinds were closed. I pulled down the curtain when retiring, did not look to see if pins were in the side of the curtain in Wood’s room. (I) did not make up the bed until Mr. Palmer, Ritsel and two others arrived. (I) did not see them in Wood’s room. Very soon after the first shot my husband caught me by the hair and dragged me from my bed. He said “You faithless wretch, I’ll shoot you too!” He uttered that when he pulled me out of bed. He then told me to get back to bed and stay there, which I did. He had a pistol in one hand when he pulled me out of bed. (I) heard a noise as Wood ran out. (I) was scared by the pistol report. (I) didn’t know that any one except Wood was in the house. I screamed after the first shot was fired. I heard a voice, “Oh Mr. Briggs don’t”. (I) did not recognize the voice. (I) have heard of gossip of my riding out with Wood. (I) heard the story about a week or two before the deed. Wood looked about 23 or 24 years of age. (I) knew of his being sick when his mother was there. I took him to the doctor’s office about two miles distant. We got back just at dusk. Wood never had his arm around me. (I) have no recollection of such occurrence. The present servant is with me about a month; discharging the previous one. Mr. Briggs paid her; I refused to see her. I sent her to 69 Herkimer street, this city, where my husband boarded. (I) saw Woods at supper time at my house night before the murder. I used to come to this city nearly every week for my husband. (I) did expect he would come down on the Emita. I think it was in June when I last went for him. I was expecting him at any time. (I) did not think he would come before the Emita arrived. Mr. Wood was to go for him as he always did. (I) never knew Wood before he come to work for us; never said he was my cousin have no recollection that I asked a party how he liked my cousin. I did not wipe Wood’s face with a handkerchief at Coeymans Hollow. (I) did not see Wood on the morning of the shooting; knew where he was, but did not wish to see him. (I) remember Wood shearing sheep; did not present him with a bouquet (sic) while at that work. (I) do not remember bell over kitchen being rung after the shooting. My husband did not say he would not hurt me. I begged mercy before he charged me with being unfaithful. I thought he would shoot me; he held me on the floor. [During this testimony the murderer began weeping and continued for fully an hour.] (I) can’t say how I got back to bed. I don’t know how excited he was. I did not get out of bed until Mr. Palmer and Ritsel came in with my husband. (I) don’t know if their attention was
called to the curtains. (I) don’t remember him saying I had ruined him by being a faithless wife. I did not feel his boot on me while I lay on the floor. (I) can’t say how many times he called me a faithless wretch. I have understood that I might decline to be sworn. I desired to give my testimony. The following Monday I went to Durham and consulted Counselor Cole about my case and employed him.

*Re-direct:* No change has been made in the fastening to house since Wood came except the hook was put on to keep the girl out of my room. A postal sent me by my husband was given me three hours after the shooting, by a boy named Day. Before that time I had no idea of his coming. At no time have I held improper relations with Wood.

*Re-cross examined.* My husband has come home at different hours since on the limits. He has come home alone this summer; that was before Wood came. (I) was always prepared for his arrival. (I) can’t say that I ever was in bed when he came home.

Each of the counsel here announced that they had closed their examination. By agreement, the case was then adjourned to 10 a.m., next Saturday.
The Coeymans Herald
July 28, 1880

THE COEYMANS TRAGEDY

Conclusion of the Inquest and
Verdict of the Jury

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The inquest in the case of Erskine Wood, who was shot by Hiram G. Briggs on the morning of the 11th of July, at Stephensville, in this town, was continued last Wednesday, at the house of Aaron Hotaling in this village, by Coroner Kerr, District Attorney Hotaling being present.

The first witness called was Alexander Richardson, who, being sworn, testified as follows:

I reside in Coeymans, in Albany county, near Stephensville. I know Hiram G. Briggs and Erskine Woods. (I) was at the house of Mr. Briggs on the morning of the 11th of July. (I) think it was about four o’clock when I arrived there. Lansing Kniffen came for me to my house. (I) went with him to Briggs’. My brother, Wm. J. Richardson, and his brother-in-law, W. Smith left my house with me. Eli Parker and his boy Jason Hitchcock were behind us. They followed us to Mr. Briggs’. When we arrived we met Briggs in the hall. He was near the door when I met him. He shook hands with me. He spoke to me, and the substance of his conversation was that he had shot Wood. He explained how he came from Albany. He said that he had come down on a boat from Albany to the landing at Coeymans and got a horse and wagon from John Newton Briggs and drove to his house and arrived there about half past 2 o’clock. He shoed us the window on the south side of the house where he got in. He did not say whether he raised the window or whether it was fastened. When he got in he undressed himself. The window opens in the summer. (In the) sitting room in the room is a lounge or sofa. He took off his [nothing cited here] and shoes. He laid a parcel that he brought with him on the lounge. He then said he got into the sitting room and looked into his wife’s room. And into Wood’s room, and he found both of them asleep. He then went into the parlor and laid down. He showed us where he had been laying and showed us a door and how far he had found it open on this occasion. It was open about a foot. He said he laid on the floor in front of the door. The door opened into the parlor. He said he saw Mrs. Briggs get up and walk across the room and he said he waited a minute to see if Wood went up stairs. He got right up then and took the lamp in one hand and the pistol in the other and went into her room and found Woods bending over Mrs. Briggs in the bed. He got on the floor on his hands and knees and showed us the position Wood’s was in when he saw him. He then said he fired tow shots. He said Wood’s rushed past him and ran into the hall. He then fired another shot. Wood’s rushed past him again and ran into the summer sitting room and out of doors. Woods was right over Mrs. Briggs when he fired the first two shots. Woods was in the hall when he fired the third shot. He then showed us the pistol. He offered it to me. I did not take it. He gave me his pocket book. He kept on talking loud and walked while I was there. He was very much excited. I went out to look for Woods then went back and took the pistol from where Briggs had laid it. He made no further statement to me of what had transpired. He did not say what he had done to or with his wife except to make her stay in bed so we could see everything just as it was.
I stepped to the door of the room that the wife occupied. She was in bed and said “Good morning” to me. It was daylight at this time. The room that she occupied was quite dark, no light there. There was a light in the sitting room. He showed us how the doors were fastened. The door leading up stairs was latched and a steel fork put over the latch so it could not be raised. The door leading to the cellar was fastened the same way, except there was a wedge instead of a fork. The door going in to the buttry had a hook on it. The same party that went with me to the house went with me looking for Woods. When I went back for the pistol these parties went on. I did not catch up with them till they reached Mr. Day’s. When I got to Day’s I was told that Wood’s was there. (I) did not go in to see him. (I) stopped there a few minutes and went home. (I) don’t say whether I saw the pistol on the piano or on the table. (I) found it in the same place I saw Briggs put it. (I) did not see any blood in the room Mrs. Briggs was in. (I) did not look for any. Briggs showed us how the curtain was fastened so there was no light. (I) noticed blood in the hall a little way from the door. (I) saw blood in the summer sitting room close to the door. (I) saw a few drops on the walk in the direction of the road. (I) took the pistol home and locked it up; afterward gave it to Mr. Bogardus. (I) saw there were three chambers empty. (I) marked it and took the number, it is 12,005. Briggs told me to take good care of the revolver and not let it get rusty. He said he got it from a jeweler in Albany named Fasoldt. (I) did not say when he got it. (I) saw Briggs again that day in the afternoon. I was going to church. He was in his own door-yard. (I) gave him back his pocketbook. He sent me word that day by Frank McArdle that he wanted his things back. He wanted his revolver. I told him he could not have it. I saw him after in the church yard in company with John Newton Briggs. He did not attend services. (I) did not see him again that day nor since.

By Mr. Harris. When he showed us the curtain he took hold of it and said you can see how it was fastened. The curtain in Wood’s room was fastened the same way. There were blinds in Mrs. Briggs’ window. (I) did not notice whether they were closed. Wood’s room was dark. The door was clear open in Wood’s room. Mrs. Briggs’ door was not entirely open. From the position Mr. Briggs showed us (he was in the parlor), I can’t say whether he could see wither Mrs. Briggs’ room or Mr. Wood’s room. (I) did not see pins in the curtain myself.

By the District Attorney. These rooms are all on the first floor of the house. The window in Mrs. Briggs’ room is an ordinary window. Any person could walk up to it and look in. (I) think the window in Wood’s room is the same.

By Mr. Harris. The sun was just coming up when I started for Mr. Briggs’ house. I was at Briggs ten or fifteen minutes before I started to look for Wood. When I looked into Wood’s room I saw a man’s clothing laying on the floor. (I) saw stockings and what I supposed to be pants.

Dr. Francis G. Mosher, of Coeymans, sworn. (I) was called on the 11th day of July to the house of Mr. Day to attend a man whose name I learned was Woods. It was about 9 o’clock in the morning. Days home is about half a mile from Briggs’. When I first see Woods he was lying on the bed. (I) made an external examination of the body and discovered two bullet wounds, one was upon the chest, about one inch below the superior part of the sternum, and a fraction over an inch from the middle line. The other was upon the right arm, the point of entrance was about an inch and a half above the elbow, ploughing (sic) through the muscles and coming out of the inner side of the arm about two inches below the armpit, leaving a bruised spot upon the side of his chest; the ball not penetrating. (I) did not discover any other wounds. (I) did not see him again.
until after death. Afterwards (I) saw the body at Mr. Day’s, at the post mortem examination. Wednesday afternoon July 14, the person whom I had previously seen as Woods was then dead. The bullet that entered the chest was found; it passed downward. The point of entrance was between the first and second ribs. It entered the chest between the second and third rib, passed through the right auricle of the heart, through the liver and was found lying loose in the abdominal cavity, from an examination I saw made. I am able to state the cause of death was the pistol ball that entered the chest. (I) think Wood’s age was between 20 and 25 years.

Lansing Kniffen, William H. Smith, Eli Patterson and John Day were also called and examined. Their testimony being mainly corroborative.

The case was then given to the jury, who rendered a verdict that the deceased, Erskine Wood, came to his death from a pistol shot wound inflicted by Hiram G. Briggs on the morning of the 11th of July, 1880.

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Further Examination Before Justice Clute in the Case Of Hiram G. Briggs

Ten o’clock Saturday morning was the hour set down for the further examination of Hiram G. Briggs on the charge of wounding Erskine Wood at Stephensville, on the 11th inst., so that he died fifty-eight hours afterward. There was only a small attendance, and most of those present were from the vicinity where the tragedy occurred.

The prisoner was brought down at 10:20. He looks as though his confinement was wearing on him. His eyes appear more deep-set than ever, and the lines in his face have increased in number. His sparse hair and flowing grey (sic) beard were neatly combed, and his attire was precise.

The case was opened by Mr. Moak who said he desired to make an application. He understood that Wood had made a sworn statement after the shooting which had been handed over to the District Attorney. He desired the direction of the Court that he would be furnished with a copy for use in the case.

The District Attorney said there was no proceeding before a magistrate.

After some discussion Justice Clute said he did not think he had any power to direct the District Attorney to furnish a copy of the paper in question.

Mr. Moak. Then I know where to get it.

E. Max Fasoldt was the first witness called and testified. (I) live at No. 8 Congress street. (I) am a watchmaker at No. 38 North Pearl. (I) know Hiram G. Briggs and have known him a year. I loaned him a revolver on the 10th day of July, between a quarter and half past four. [revolver shown]. That is the one I loaned him; the number is 12,005. All of the five chambers were loaded when I loaned it to him.
Cross-examined. He applied at my place of business for it. He had asked in the fore part of the week for the load of it. On Saturday he asked for it and said put a piece of paper around it. He did not desire to use it until he returned from home. He said he came up quite late Sunday nights and had met parties on the road. He said he had used a pistol intimidate any parties that might interfere with him. He said he would put it with some other articles in a bundle, and take it out when he returned. The revolver is of 32 calibre. It was loaded when he got it. I loaded it six or eight months ago, supposing I might need it to protect my property.

Ely Palmer and Abram Day were also examined, their testimony being similar to that given by Richardson at the coroner’s inquest. The case was the adjourned until 10 a.m. Monday.

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THE COEYMANS TRAGEDY

Conclusion of the Examination
Of Briggs Before the
Police Magistrate

FORMALLY COMMITTED TO
AWAIT THE ACTION OF
GRAND JURY

The further examination of Hiram G. Briggs was had before Justice Clute, Monday.

The first witness called was Dr. H.R. Starkweather, who testified as follows: I am one of the coroner’s physicians. I attended the autopsy on the body of Erskine Wood, July 15th, at 2:45 p.m. The body was well nourished. [The doctor here described the wounds found on Wood’s body as they would appear on his own if he had them]. We traced

THE COURSE OF THE WOUND

In the right chest. It passed into the body between the cartilages (sic) of the second and third rib; passing into the chest cavity and heart sack, and through the upper portion of the right auricle of the heart, cutting, in its way, the inner portion of the auricle, making a track from there to the diaphragm. The wound passed the surface of the right lobe of the liver, through the liver to its under surface, where all traces were lost. We inferred the bullet must have stopped at that point. A bullet was afterward found in the left chest cavity, lying loose. The other wound passed into the arm and through it, striking no bone, penetrated the skin of the body on the right side, after which no trace could be found. The right chest cavity was filled with fluid and clotted blood. There was some slight effusion in the left chest cavity. The organs of the body were in a normal condition, except somewhat congested. Death resulted from the wounds just described – the wound passing into the body, the body was at Day’s house in Stephensville when we made the autopsy.

Cross-examination. I think Wood was 5 feet 5 or 6 inches in height; his age 25. The general course of the body was downward and inward. Mrs. Briggs bed was about 3½ feet high. Briggs
is 6 feet three inches high. I think a tall man; assuming Wood to have been on the bed, and the head of the bed to have been north, and the defendant to have been standing in the door and Wood trying to get off the bed, it might account for the direction of the ball. It was a low bedstead. I don’t attempt to tell the height of the bedstead.

Drs. Balch, Murray, Frank Mosher, Jacob Mosher, Starkweather and Hagadorn were present at the autopsy.

The district attorney announced at this point that all the evidence for the people had been offered.

EVIDENCE FOR THE DEFENSE

Mr. Moak called Justice Isaac T. Davis of Coeymans, who testified as follows:

I am a justice of the peace in Coeymans. I saw Wood at Day’s house about 10 o’clock on the morning of the 11th inst. I saw him also at 12 o’clock. He made a statement. I took it first in pencil, and when I went back at 12 o’clock I took it in ink. There were additions to it. He swore to it. I gave the statement to Mr. Bogardus, the district attorney’s officer.

Lansing Hotaling, district attorney, testified. I received the statement taken by Davis from Wood on July 12th and one last week. I have no objection to producing them if it be conceded that they are evidence in the case, but I raise the objection that they are not evidence.

Mr. Moak claimed the papers contained a statement from Wood that he was in Mrs. Briggs’s bedroom sitting on the bed talking to her, and if that was true, he asked them to be produced. He cited several authorities to show that the crime charged was not of so high a grade as the prosecution would claim, and that he would be allowed to examine the statements to the end that he might produce them as evidence if he tho’(sic) wise.

The district attorney replied to Mr. Moak at some length, holding that the statements were not proper evidence.

Mr. Moak answered, and justice Clute said he desired to give the defendant all the benefits he possibly could but he was against him at present on the motion, yet, if counsel desired, he would adjourn the case and examine the question more fully.

Mr. Moak did not desire to have the case adjourned, and again called District Attorney Hotaling, who admitted he was served with a notice Saturday night to produce the statements at court today. He declined to produce them for the reasons already stated.

Justice Davis of Coeymans recalled.

Question: In the second statement Wood made you did he say that at the time he saw Briggs first, he was sitting on Mrs. Briggs’s bed?

Objected to and objection sustained.
Mr. Moak offered to show that such a statement was in one of the papers which the district attorney had in his possession and refused to produce.

Overruled.

The case was here rested, Mr. Moak having nothing further to offer, and the prisoner was formally committed to await the action of the grand jury.

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Additional short articles in the July 28, 1880 edition of the Coeymans Herald:

A representative of the Herald called on Hiram G. Briggs at the Albany jail last Saturday. He is confined in the cell known as the “murderer’s cell”, in the south-east portion of the building, being the same in which Lowenstein, Hughes, McNiel, and other notorieties were imprisoned. His confinement wears on him very much, and during the past two weeks he has lost more flesh than has Dr. Tanner in his twenty-six days fast. Mr. Briggs conversed freely of his terrible crime, and seems to believe that he was justified in taking Wood’s life. He says when his trial is begun and things are revealed in their true light, it will be found that the facts will corroborate his statement of the position Wood was in when he received his death wounds. He expressed no regret for the deed, and during the hour we conversed with him, he said not one word against his wife, but frequently mentioned her name with respect. His trial will probably not take place before the October term, and until that time it is impossible to express a correct and impartial opinion. There is just this, it was either a premeditated murder or it was not. If premeditated, Briggs should suffer the fullest penalty of the law. If it was not premeditated, he is entitled to all the extenuating clemency that can be afforded. We shall try to give everything of interest that may transpire during the preliminary investigation and at the trial without comment. Hiram G. Briggs will probably be indicted at the September term and his trial take place in October.

EVERYBODY SHOULD HAVE ONE. View of Hiram Briggs’s residence – the scene of the late tragedy – showing good, clear portraits of Erskine Wood (the murdered man), and Mrs. Briggs. Cabinet size – Extra finish. For sale at Sherman’s News Room, in this village. Price 25 cents each. Orders received and promptly filled.

Do you own a Stereoscope? Then get a view of Briggs’s residence, showing portraits of Erskine Wood and Mrs. Briggs.

Hiram G. Briggs will probably be indicted at the September Term and his trial take place in October.
THE COEYMANS TRAGEDY
Prosecution Preparing --

Diagram of the House at Stephensville Drafted for the District Attorney —
What it Shows

John G. Looschen, architect, has completed a diagram of the Briggs homestead at Stephensville, for District Attorney Hotaling, who will use it at the coming trial. Mr. Looschen has embodied in his diagram every room, window, door, etc., in the house. The location of the window through which Briggs entered the house may have a tendency to prove the statement made by Wood, the victim. This window, it appears, being raised, would make a great noise and in the opinion of experts who have already examined it, the noise made when Briggs entered would be sufficient to arouse Wood and cause him to think burglars were in the house.

Another point will be with reference to pinning the curtain to the window sash frame. An examination of the frame has been made and the number of pin holes discovered is estimated in the thousands, and also that many of the marks indicate that they were made years ago.

Another thing discovered is the direction of the missing bullet. It is claimed by Briggs that he fired the shot in a certain direction, but it now turns out that the pistol was fired after Wood, who was near the sitting room door, and that the bullet took an entirely different course than it could have done if fired at the place Briggs stated.

The carpets in the room, curtains and bed-clothing, and all other articles with blood spots thereon, have been taken from the house by district-attorney Hotaling’s orders, and are now in his custody.

The home is occupied by Mrs. Briggs, her father and mother.

Mr. Briggs still occupies the same quarters in the jail, and is daily visited by old neighbors. He realizes his position and is gradually becoming very dejected.
The Albany papers state that Hiram G. Briggs, confined in the jail to await the action of the Grand Jury, for the shooting of Erskine Wood, is reported by the physicians as insane. Briggs has had an active life and it is thought his close confinement has affected his mind. His case will be acted on by the present grand jury. Wood was murdered on Sunday, July 11th last.
Briggs Arraigned in Court

The Albany Morning Express of last Saturday says:

In arraigning Hiram G. Briggs at the Court of Over and Terminer, yesterday, District Attorney Hotaling said the grand jury has indicted him for murder in the first degree in having discharged a pistol at Erskine Wood, in the town of Coeymans, July 11th, 1880, from the effects of which shot said Wood died.

Mr. Moak, on behalf of the defendant, said he desired leave to make a motion to quash the indictment, on the ground that illegal and incompetent evidence was given before the grand jury, in that the wife of Briggs was allowed to swear before the grand jury without the consent of Briggs. Mr. Moak said he would prepare the papers in the case in a few days and would be prepared to argue the motion any day during the coming week that the court would name. He said he desired to make the motion before the prisoner had pleaded, as such motion could not be made afterward.

The District Attorney concurring, a week from today at 10 a.m. was fixed upon for hearing arguments on the motion, the prisoner not pleading the meantime.
The Briggs Case

Argument to Quash the Indictment –
Decision Reserved by the Court

At the court of Over and Terminer Monday, before Hon. A.M. Osborn, justice, with Justices Main and Gutmann, associates, Mr. Moak made a motion to quash the indictment in the case of Hiram G. Briggs indicted for the murder of Erskine Wood at the house of Briggs in Stephensville, town of Coeymans, Albany county, in July last.

District Attorney Hotaling said he had a preliminary objection to the motion which he would state at the proper time. He would say now that no person had asked for the list of witnesses or a copy of the minutes of the proceedings before the grand jury.

Mr. Moak said it was not necessary, the district attorney had been notified to have them for the use of the court as they were part of the proceedings and or the records of the court, and he wanted them here now, and it would be for the court to determine as to his having and examining them. He claimed it was the right and duty of the court to have and examine the minutes of this motion.

District Attorney Hotaling held that the affidavits on which the motion was founded were insufficient and they failed to disclose the source from which the information was derived.

The court thought that it was better to hear the motion on its merits.

Mr. Moak stated that the motion was divided into three parts.

First – That the defense be furnished with a list of witnesses before the grand jury in the case.

Second – The minutes of the evidence given by the witnesses.

Third - That the indictment be quashed for having allowed the wife to testify in the case without the consent of her husband.

Mr. Moak said the furnishing to the defense of the list and evidence asked for was one thing, and the furnishing them to the court was another and entirely different matter. He claimed the court had a right to examine its own minutes. He then cited the indictment found against the defendant. It was alleged in the affidavits that deceased was caught in the act of adultery, and was then shot. He had objected to the wife being sworn before the police magistrate, but was overruled and the wife was examined. The woman testified that she did not commit the crime alleged with the deceased on that occasion or at any other time. She testified under the instructions of a lawyer, the district attorney, and at times of her father. It was stated in the affidavits of information that
similar evidence was given by the wife before the grand jury. He held that with her evidence stricken out, the grand jury could only indict the prisoner for manslaughter.

The district attorney said that he did not deny that the wife was sworn before the grand jury.

Mr. Moak then proceeded to argue the points prepared in the case. He cited cases in nearly all the states as well as some in England, in support of his views, stating that the defense should be supplied with the evidence taken by the grand jury, declaring the same thing was done in the Billings case in Saratoga county. He claimed the indictment should be quashed.

District Attorney Hotaling said that no application had been made to him for a list of the witnesses sworn before the grand jury, but so far as furnishing the defense with a copy of the testimony taken, it could not be done, as there was no record kept. The allegation is, that the wife was sworn without the consent of her husband, and gave certain testimony as to her not having committed adultery with the deceased on the morning of the homicide or at any other time. In the Hughes case the court refused to compel the district attorney to furnish testimony taken before the grand jury.

The court said the question in the case was whether it was competent to allow the wife, without the consent of her husband, to give material evidence in the case, and as the district attorney would not admit the statement, there was no means of determining it except by allowing the introduction of witnesses and it would therefore allow them to be called.

Peter J. Vedder was called and testified as follows: I was foreman of the grand jury that was attached to this court. I did not keep minutes. F.A. McCotter was clerk, the assistant district attorney was present in the grand jury room, when we examined the Briggs case. I think he asked some questions of witnesses and jurors asked other questions. I don’t know that he kept minutes. Allie Briggs, wife of defendant, was called and gave testimony. She was asked questions by the assistant district attorney and by jurors. She was asked in substance it she committed adultery with Wood. She testified she had not on the morning the shot was fired, and never had.

To the district attorney: I think it was on the 15th or 16th of the month that Mrs. Briggs was examined.

A copy of the evidence in the case, as taken at the police court, was furnished the court by Mr. Moak and the decision of the motion was reserved.

Mr. Moak said he would be absent until Friday morning, and the motion will probably not be decided before that time.
The Coeymans Herald
November 3, 1880

The Wood Homicide

THE INDICTMENT AGAINST HIRAM G. BRIGGS,
THE ALLEGED MURDERER OF ERSKINE WOOD, QUASHED

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A Wife Cannot Testify Against a Husband Without His Consent –
The Full Decision of Justice Osborn in the Case –
The Motion Made by N.C. Moak, Prisoner’s Counsel, Granted –
Motion to Bail the Prisoner – The Case Sent to the Next Grand Jury.

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{From the Albany Evening Times}

After some preliminary business in the court of Oyer and Terminer Friday Mr. Justice Osborn said; “I think we are prepared to hear the motion to quash the indictment for murder against Hiram G. Briggs, and in justice to myself I should say that owing to the business of the circuit I’ve not had time to prepare memoranda on the subject, still in the intervals of the adjournments of the curt I have examined the case very thoroughly.” Judge Osborn then read his decision as follows:

Osborn, P.J. The defendant was indicted by the grand jury of Albany county at this present term, for the murder of one Erskine Wood, at the town of Coeymans, in July last. The defendant, upon being arraigned, was given, at the request of his counsel, an opportunity before pleading to move to quash the indictment, and his request was granted.

This motion is therefore to quash the indictment; also, that the accused may be furnished with the names of the witnesses who appeared before the grand jury, and on which the indictment was obtained, as well as the evidence or a true copy thereof as given by such witnesses.

The motion to quash the indictment is based solely on the ground that the wife of a prisoner was called as a witness and gave important testimony against him, and this without his knowledge or consent.

The district attorney, upon the motion, stated that no minutes of any consequence was kept of the testimony before the grand jury, that there had been a thorough examination of the charges before the coroner and the police magistrate of this city shortly after the homicide; and that full minutes were kept on such investigations. The witnesses before the grand jury were examined by the district attorney or his assistant, from these minutes, and it is asserted that the evidence is substantial (sic) the same.

I have examined these minutes, though very voluminous, with great care, to determine whether the evidence given by Mrs. Briggs probably affected or influenced the grand jury in presenting an indictment against the prisoner for murder in the first degree.
The prisoner has resided for many years in Coeymans. For some time before the day on which the homicide occurred he had been upon the jail limits of Albany, an execution or executions having previously been issued against his body. He was in the habit of leaving the city every Saturday night after midnight and going to his home in Coeymans where he resided with his wife, returning before midnight Sunday evening, so as to prevent any action for an escape. The deceased, Erskine Wood, was and for some months had been a hired man and boarded in the family of Briggs.

Briggs is a man well advanced in years. Mrs. Briggs is a second wife and a comparatively young woman. Wood was a young man.

On Sunday morning, July 11th, Briggs arrived at his home at 2 or 3 o’clock in the morning and got into the house without disturbing any of the inmates. He remained in an outer room, not going to the bedroom of his wife and where she was.

A short time after Wood, as prisoner alleges, came from his own room in a nude state and went to Mrs. Briggs’s room and into the bed with her, and was about to commit adultery, when Briggs fired a pistol or revolver, inflicting injuries or wounds from which Wood died.

After being shot, Wood flies to the house of a neighbor and is taken in and cared for. Briggs at once rings a bell attached to some of the outbuildings, and by this and the noise made by him he get some of his neighbors aroused, and they get to Briggs’s house at about, or shortly after daybreak.

To these he makes the statement of the circumstances under which he shot Wood.

The neighbor to whom Wood went, swears that he was naked when he first came to his house and this tends to greatly corroborate the prisoner’s version of the transaction.

That Wood died from the pistol wounds discharged by the prisoner is not denied.

The more serious and difficult question is, under what circumstances did the killing take place.

I also find some evidence tending to show intimacy between Mrs. Briggs and Wood during the prisoner’s absence from home, such as riding together on several occasions.

It appears that before the grand jury Mrs. Briggs denied any adulterous or improper intercourse or intimacy with Wood, and says he was not in her room to her knowledge, and that she was first aroused by the discharge of the revolver and noises immediately following.

It will, therefore, be seen that her testimony was most unfavorable and damaging to her husband, and wo’d (sic) leave the impression the killing was a deliberately planned set on the part of Briggs, and from a premeditated design to kill Wood.
In a word that it was not committed in the heat of passion upon sudden provocation, or under such circumstances as to make the crime anything less than murder in the first degree.

I am aware that the court of appeals has held, and all will admit properly, that a man may be guilty of murder in the first degree for killing another while in the very act of adultery with his wife, when such killing was the work of deliberation and premeditation.

But the same court has held that such adulterous conduct may furnish the greatest provocation for killing the adulterer, and when this is done upon a sudden discovery, in a moment of great mental excitement and when the passions was aroused, so that the man had no time for deliberation and premeditation, but acts from the impulse of the moment, the crime is not murder and a conviction could hardly be expected for any higher offence than manslaughter in the third degree.

From this it will be seen how important was the testimony of Mrs. Briggs for the prosecution and how damaging to the accused. Without this, *non constat*, the indictment might not have charged this grave offense.

It may be said that this can do no harm, even though it be erroneous, as on the trial the alleged improper evidence can be kept out. But under this indictment no bail can be given. The prisoner must remain in custody without such opportunity for preparing his defense as his freedom would allow him, and which he might secure by bail if the indictment was for a lesser offense than is here charged.

This brings me to consider the question which underlies this motion. Was it proper, competent and legal for Mrs. Briggs to give this testimony? Does the law permit her to be called as a witness against her husband and in favor of the prosecution, even though she may be willing, without the knowledge or assent of her husband? If so, the important part of this motion must be denied.

By the common law, and under out statutes prior to 1876, neither husband nor wife could be examined as a witness for or against each other, except in prosecutions for personal violence, one upon the other. Unless therefore, we can find some statute since that time which in express terms makes it competent for the prosecution to call Mrs. Briggs as a witness against her husband, on a criminal charge, her evidence was not only improperly received by the grand jury, but is absolutely incompetent.

The only statute under which it is pretended that such a course as was here pursued is admissible is to be found in sec. 2 chap. 782 of the Laws of 1876, passed April 27. That section reads as follows:

Sec 2. In all criminal trials and examinations before trial a husband or wife may be examined upon behalf of the other, but upon no such trial shall a husband or wife be compelled to testify against the other.
Does this section confer the right claimed by the prosecution? It seems to me clearly not. The only motivation (sic) which this section makes upon the common law or the statutes as they formerly existed was to give a right to a husband or wife to be examined as a witness on behalf of the other in a criminal trial or examination. Suppose this were all of the section, would it be contended for a moment that either could be called as against the other? Of course not.

Now the other words are of a negative character. They certainly create no new right or privilege as to the husband or wife being witnesses that did not exist (sic) before. Mark the language: “But upon no such trial or examination shall a husband or wife be compelled to testify against each other.”

The only construction that can be given to these words to warrant the position taken by the prosecution would be, that because the legislature said they could not be compelled to testify against each other, the inference is they might do so, if such testimony was voluntarily given. But it would be most dangerous to allow any such interpretation or construction of the section. Such an innovation upon the common law would require a positive, affirmative provision or enactment of the legislature. She could not be called as a witness in behalf of her husband until the legislature so enacted.

She certainly cannot be called to give evidence against him until the authority is expressly given.

It may be that the latter part of the section amounts to nothing. Certainly no one claimed before its enactment that husband or wife by any law that ever existed could be compelled to testify against each other (Wylie vs. People, 53 N.Y. 525).

But it may have been placed there (and I think this is the most probable reason for the employment of the language), to prevent a husband or wife after being called as a witness for the other, or on behalf of the other, as the language is, from being compelled on cross-examination to testify to facts injurious to the party in whom behalf he or she was called.

For instance, a wife might be called as a witness on behalf of the husband to prove some isolated fact. It may that the legislature, by saying that she should not be compelled to testify or give evidence against him, intended to present upon a cross-examination an inquiry into other matters not inquired of upon the direct examination, and which might be very damaging to the husband, and so vivè versa.

Whether this be the ‘correct solution’ or not is quite immaterial. It is enough that no positive enactment can be found making it proper to call husband or wife as a witness against the other. The following authorities (if indeed authorities are necessary on this point) go to substantiate this reasoning: 22 Alb. LJ. 81; State vs. Houston 50 Iowa 512; Dill vs State 1 Tex. App. R. 276; Hubbell vs Grant 39 Mich. 641; State vs. Donovan 41 Iowa 587.

I have endeavored to show that Mrs. Briggs gave most important evidence against her husband before the grand jury, and second, that such evidence was incompetent for the reason that she could not legally give such evidence. It only remains to consider what is the remedy of the prisoner, if any.
The law requires, and the grand jury are always charged, that no indictment should be presented
unless the guilt of the accused is clearly established by credible, legal, and competent testimony.
It may be said and truthfully, that no indictment could ever stand, if it was to be set aside
because some illegal evidence was admitted. The grand jurors are not lawyers and it often
happens that questions are put and evidence elicited that would not be allowed in court. Shall
every indictment therefore be set aside? I answer by no means. Where there is sufficient legal
evidence to warrant the finding of a bill, no court would set it aside for technical illegalities,
which is apparent did not and could not have influenced the action taken. But in this case the
mistake is one of substance, and examining as I have with great care the evidence taken, I am by
no means prepared to say that such a conclusion would have been aimed at without the testimony
of Mrs. Briggs.

In view of what has been stated it would seem that some remedy should be afforded to the
accused. I think the relief invoked by his counsel, viz; the motion to quash the indictment, the
only one that can be afforded. In a case reported in 2 Gallisoc, 364, Judge Story at p. 367 says:

“The grand jury is the grand inquest between the government and the citizen. It is of the highest
importance that this institution be preserved in its purity, and that no citizen be tried until he had
been regularly accused by the proper tribunal. Every indictment is subject to the control of the
court, and this indictment having been found irregularly, and upon the statement of a witness
without oath, which was not evidence, a cassetetur must be enters.” (See, also, State vs
Burlingham, 15 Maine, 101, People vs Shattuck, 6 Abb [N.C.], 33; People vs Hulbut, 4 Denio,

We think the indictment should be quashed and the prisoner remanded to await the action of
another grand jury.

In view of this disposition of the case it is quite necessary to examine the other branches of this
motion.

The court said: “I think no one could be charged with the mistake of introducing the evidence
except the grand jury themselves, as they insisted upon the wife being called against the wishes
of the prosecuting attorney. They thought they had the advice of the court, while is simply
directed them to take the course advised by the district attorney.”

Mr. Moak moved to admit the prisoner to bail and that the bail be fixed at a reasonable sum.

The court said another grand jury would meet one week from Monday next, and if they find an
indictment for a lesser crime the application for bail could then be made.

THE ORDER

Under the foregoing decision, the following order was entered in the case:

The grand jury at this term of the court having found and returned an indictment against the
defendant for murder and the defendant having moved, on the affidavits of Hiram G. Briggs, and
Nathaniel C. Moak, to quash said indictment. Now, after reading said affidavit and notice of motion, reading the minutes of testimony before the police justice, and taking the testimony of the evidence of Peter J. Vedder, the foreman of said grand jury, *viva voce*, by which it appeared Allie T. Briggs, the wife of said defendant, was sworn as a witness in behalf of the people against her said husband before said grand jury, on the investigation of the charge against defendant, whereon the indictment was found, and that said Allie T. Briggs, among other things, testified on such hearing and investigation before said grand jury that at the time when defendant is claimed to have killed said Erskine Wood she, said Allie T. Briggs, was not committing adultery for having carnal connection with said Erskine Wood, one of the questions before the grand jury being whether defendant so killed said Wood while having carnal connection with defendant’s wife; and that said indictment was in part based and founded upon such incompetent evidence. After hearing Nathaniel C. Moak of counsel for defendant, and Lansing Hotaling, district attorney of Albany county, opposed, it is ordered and adjudged that said indictment be and the same hereby is quashed and the prisoner remanded to await the action of another grand jury.
Hiram G. Briggs, who was indicted for murder in the first degree, at the last term of the court of sessions, was arraigned Friday. Mr. Conway, one of his counsel, said Mr. Moak was absent from the city and that they would interpose a plea of not guilty with the privilege that after examining the indictment they may withdraw it and interpose a special plea if they deem proper. Justice Ingalls granted leave to do so. Briggs being called on to answer the indictment said, “not guilty.”
THE BRIGGS CASE

A Sudden Termination –
New Pleas Tendered and Accepted –
Manslaughter in the Third Degree – Sentence

The case of Hiram G. Briggs, indicted for murder in the first degree on account of the killing of Erskine Wood, in the town of Coeymans, on Sunday the 11th of July last, was concluded quite suddenly, and to many unexpectedly, in the Oyer and Terminer, yesterday. Immediately on the opening of the court, District Attorney Herrick arose and called the name of the prisoner. Briggs responded from a seat near the prisoners dock, when Mr. Herrick, saying that he understood it was the prisoner’s desire to withdraw his former pleas of not guilty to the indictment for murder, and to interpose a plea of guilty of manslaughter in the third degree, asked him if that was correct. Briggs answered that it was.

Mr. Herrick said: May it please the court, I have consented to accept the plea if it seems proper to the court and perhaps it is proper for me at this time to make a brief statement of the facts. The first indictment in this case was found last year. A motion was made before Mr. Justice Osborn to quash it, and on that motion, the court had before it all the testimony taken before the police magistrate and the grand jury, and from that evidence, the court made the following summary of the facts, which I will read:

The prisoner has resided for many years in Coeymans. For some time before the day on which the homicide occurred he had been upon the jail limits of Albany, an execution or executions having previously been issued against his body. He was in the habit of leaving the city on Saturday night after midnight, and going to his home in Coeymans, where he resided with his wife, returning before midnight Sunday evening, so as to prevent any action for an escape. The deceased, Erskine Wood was, and for some months had been a hired man, and boarded in the family of Briggs. Briggs is a man well advanced in years. Mrs. Briggs is a second wife, and a comparatively young woman. Wood was a young man.

And here I may add that Mrs. Briggs slept in a bed room off the sitting room of the house, her bed room door opening into the sitting room. Wood slept in another bed room on the opposite side of the same sitting room, with his bed room door likewise opening into the sitting room. During the afternoon of July 10th Briggs borrowed a pistol of Max Fasoldt, of this city, telling him he had one, but it was not good for anything; that returning home nights he sometimes came across tramps and wanted it to protect himself in case they should attack him. But to continue from the opinion of the court.
On Sunday morning, July 11th Briggs arrived at his home at two or three o’clock in the morning and got into the house without disturbing any of the inmates. He remained in an outer room, not going to the bed room of his wife and where she was at the time. A short time after Wood as prisoner alleges, came from his own room in a nude state and went to Mrs. Briggs’ room and into the bed with her, and was about to commit adultery, when Briggs fired a pistol or revolver, inflicting injuries or wounds from which Wood died. After being shot, Wood ran to the house of a neighbor and was taken in and cared for. Briggs at once rang a bell attached to some of the buildings and by that and the noise made by him he succeeded in getting some of his neighbors aroused, and they got to Briggs’ house at about or shortly after daybreak. To them he makes the statement of the circumstances under which he shot Wood. The neighbor to whom Wood went swears that he was naked when he first came to the house, and this greatly tends to corroborate the prisoner’s version of the transaction. That Wood died from pistol wounds discharged by the prisoner is not denied. The more serious and difficult question to determine is under what circumstances did the killing take place.

So far As I can ascertain, only three persons knew the actual facts, Briggs, Mrs. Briggs, and Wood. I have read a summery of Briggs statement. It has been decided that Mrs. Briggs cannot be sworn as aq witness, but it is fair to her to state that she has denied, under oath, that anything improper took place between herself and Wood. Fortunately for the prisoner, unfortunately for the prosecution, Wood, before he died, made statements in regard to the matter. And first to one of the neighbors, a Mr. Palmer, who called at the house where he had taken refuge, he asked ‘who else was hurt,’ and later in the conversation said, “I thought Mrs. Briggs was hurt.” To a man named Lampman, who was dressing his wound about six o’clock that morning, he said; “I suppose you all know what he shot me for;” and Lampman saying no, Wood replied, “he caught me in bed with his woman.” Later in the day he made a sworn statement before Justice Davis, a justice of the peace of the town of Coeymans, in which he said that he was awakened by some noise; that he got up walked across the sitting room into Mrs. Briggs bed room, sat down on the side of her bed, woke her up and was talking to her when Briggs came in and shot him. He says he was entirely naked at the time.

This is a bare outline of the transaction, from which you will see that we cannot dispute the fact that Briggs, to put it in the mildest form, found Wood stark naked in his wife’s bedroom. Under these circumstances, I believe the offense committed by Briggs to be that to which he has pleaded. And I do not believe that I would be justified in putting the county to the great expense of a protracted trial, when the result, perhaps, would be less favorable to the people than the plea now tendered.

Mr. Moak then addressed the court in behalf of the prisoner. Briggs is a man about fifty years of age, with that confidence which elderly men sometimes manifest toward younger women, had, in 1874 in consideration of the promise of his present wife to marry him made over to her all his property at Coeymans. She is abut twenty-seven years old. Some time after the marriage, a man named Gifford had obtained judgment against him of ordering the sale of certain property which he believed to be covered by a chattel mortgage, and on that judgment Gifford took execution against the body and caused Briggs to be confined on the limits. On entering the house on the morning of the 11th of July, (in a manner described by Mr. Herrick) Mr. Moak said, Briggs was struck by the fact that, although it was a very hot night the windows were all closed and the
curtains pinned down. All the doors leading into the sitting room, except the one which opened into Wood’s room on one side, and one by which Mrs. Briggs’ room was entered on the other, were fastened in some way. He also found a lamp burning on the piano which was an unusual circumstance. Although his suspicions were somewhat aroused he was still unwilling to believe his wife guilty of any impropriety and sat down on the edge of the lounge to see if anything wo’d (sic) come to pass. After along time his wife came out of her room, turned up the light, walked across to the door of Woods room looked in, came back, turn’d (sic) down the light and once more retired to her own room. A few minutes later Wood came out, entirely nude, and as Briggs supposed started to go up stairs to get some clothes for Sunday. Not hearing his step on the stairs, as he expected, Briggs shortly after got up and going to his wife’s room, found them in bed together, when he fired two shots from the revolver, both taking effect. Wood, then in an entirely nude state, fled from the house, and running down the road about a quarter of a mile obtained admission to the house of John Day, where he was received and medical attention given him. To one person, who called upon him that morning, he said that he was sitting on the side of the bed, with no shirt on, talking to Mrs. Briggs, when the shot was fired, and that he ran to Day's without a single shred upon him. He asked other persons who called, if any one else was shot up there? The visitor answered no, and inquired who he supposed would be shot. Wood answered that he thought Briggs would shoot his wife to (sic). He then said to his caller, “I suppose you know that it was for” and when the other professed ignorance, and asked what it was for, Wood answered, “He found me in bed with his woman.” These were the statements made in the affidavits referred to by the district attorney. In addition to these facts, Mr. Moak said he was ready to prove that, although the postal card informing Mrs. Briggs that her husband would not be down until Sunday morning, had not been delivered. Wood knew of its contents. He could also prove that Wood had attempted by means of an anonymous letter, to interfere with negotiations looking to a settlement and release of Briggs from custody, which wo’d (sic) break off Woods relations with Mrs. Briggs. In relation to the pistol shot, it was stated that Mr. Briggs habitually carried a pistol on his Saturday night and Sunday night journeys. After hearing these statements, and consultation with his associates, Mr. Justice Westbrook said that the court was entirely satisfied with the disposition of the matter suggested, and in view of the fact that the prisoner had already been confined a number of months in the county jail, the sentence would be the lowest allowed by law, two years in the penitentiary.

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Stephensville, Town of Coeymans, Map of 1865