

The Midnight Cry

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by T. C. Harbaugh

In the early days of a certain Western State, a crime was committed which has gained a place among the annals of dark deeds. It was murder; but the circumstances surrounding it are so noteworthy that we shall here transcribe them. They present the most remarkable instance of a young man sealing his lips when his own life was in jeopardy, in order to conceal a petty vice—the most remarkable instance of the kind on record.

One night in March, 1831, a farmer named Buskirk left a thriving town where, during the day, he had disposed of a lot of hogs. He rode a sorrel horse, and carried the proceeds of his sales in heavy leathern bags. The money was mostly in silver coin of the dollar denomination, and the amount, therefore, quite weighty. Buskirk, a fearless man, did not go armed, but rode unconcernedly from the town a little under the influence of liquor, but not drunk enough to call attention to the fact.

As he lived but twenty miles from the market, he expected to reach home about midnight. But when morning dawned, Zimri Buskirk was still absent from his farm. His horse stood at the stable door, neighing for admittance. The well-known saddle-bags were missing, which fact immediately gave rise to suspicion of foul play, and search for the farmer was at once instituted.

A distance of five miles from home the body of Buskirk was found lying by the roadside, and not far away lay the saddle-bags, rifled of their contents. The villain, in his haste to get at the money, had cut his way to it instead of unbuckling the heavy strap. The farmer was found to be quite dead; one side of his skull had been crushed as if by a blow from a bludgeon, or some murderous weapon of that sort, and his pockets, like the saddle-bags, had been despoiled of their contents.

The excitement from the moment of the discovery became intense. Zimri Buskirk was one of the most influential farmers in the neighborhood, and a man universally liked. He was not known to possess an enemy, and no one ever dreamed that the murder had been committed for the sake of anything but that of subsequent plunder.

Though the country was scoured for the perpetrator of the deed, no traces were discovered; but a clew was suddenly furnished in a startling manner.

The body of the farmer had been discovered not far from a farm-house occupied by a family named Milliken, which consisted of the parents and two children, son and daughter, who passed their majority. While the excitement still raged, Ellen Milliken came forward and to make a statement which she said had tortured her ever since the night of the murder. She said she was the possessor of a guilty secret which she could no longer keep; she could not sleep for it, and it was the spectre of her waking hours.

The girl then proceeded to state that she was up at the hour of half-past eleven or thereabout, on the night of the —th, and that she heard a horse coming down the frosty road from the direction of P. Not regarding the sounds of any moment, she was about to re-enter the house, when she heard an oath, followed by a dull thud and a groan. Then she heard a name uttered twice in a tone of mingled agony and supplication.

A moment later the sounds of hoofs came to her ears, and the horse seemed to be galloping toward the Buskirk farm.

The excitement that followed Miss Milliken's narration may be imagined, for pen cannot describe it. It was believed that the name which she had heard was that of the murderer, which had fallen from the lips of his victim before insensibility or death followed the blow. The young girl visibly hesitated when asked by the magistrate to pronounce the name. She covered her face with her hands, and in all probability would have fallen if she had not been supported by her brother Hiram. She did not like to utter the name that might doom one of the young men of her acquaintance to the gallows, for she could not believe him guilty, yet she had heard Zimri Buskirk call on him to spare his life on that awful night.

Ellen Milliken was pressed to mention the name, and further the ends of justice, in which the whole country was interested, and at last her lips parted.

“God help him, and pity me!” she said. “The name I heard was Abner Tenney's.”

If a thunderbolt had fallen into the breathless crowd, astonishment would not have been more complete. Men started at the name, and women uttered cries that added to the confusion.

Standing near the witness was a young man of five-and-twenty, the only son of the minister who watched over the little flock of believers that worshiped in the church hard by, and a youth of exemplary habits to the outer world. His face was pale as death, and at the mention of the name he started back with a cry, and found the eyes all fixed upon him.

His name was Abner Tenney!

He made no effort to fly, and when strong hands were laid upon him, he smiled and told the people that he would face the accusation.

The young man was formally arrested on Ellen Milliken's statement, and brought to the bar of justice. He denied the crime, but astonished everybody with his answer concerning his whereabouts on the night of the crime:

“I admit that I was not at home, but where I was I will not tell!”

This answer was twisted, as it could easily be by the excited community, into broad strands of guilt, and the young man was remanded by the magistrate for a regular trial at the next term of the court.

There were few who believed that he might be innocent. When it became generally known that he had been a suitor for Eva Buskirk's hand without the sanction of her father, revenge was added to the motive for the murder. Ellen Milliken's word was believed; she was a girl of violent passions, but her veracity in this case was not dragged into question. She acknowledged that she loved Abner Tenney—hence her reluctance to testify; and after the preliminary examination, she said that she regretted having revealed the secret.

But it was out now, and the young man lying in the county jail reiterated his innocence, but still refused to make known his whereabouts and occupation on *that* night.

It was strange that Ellen Miliken's testimony should remain uncorroborated in its essential particulars; but there were several parties who had seen the accused near the scene of the crime at late hours of the night. He did not deny this, but persistently refused to explain his presence there.

His father visited him, and begged him to unburden himself; but to him he invariably returned the same answer:

“Were I to tell you, you would feel as badly as though I had committed the murder.”

The young man was visited by many acquaintances, to whom he would not reveal his secret, and it at last became more than half suspected that he had accomplices who had concealed the money, not one dollar of which had yet been found.

Ellen Milliken continued to reaffirm her statement. She was confident that she had heard Buskirk call on Abner Tenney in tones that left no doubt on her mind that he addressed his murderer. As the time for the trial approached, she lost her reluctance and openly declared that she knew that the accused had committed the crime.

Her brother, not having been at home on the night of the murder was not summoned as a witness. It was known that he, too, had visited the Buskirk homestead as a suitor for Eva's hand, but that of late he had turned his attention to another lady, to whom he was paying his devoirs.

The excitement consequent upon the farmer's violent death and Abner Tenney's arrest did not for one moment abate during his sojourn in jail. To a young man who visited him, he said:

“Spare me, John. You know where I was that night; you know what I was doing. If I escape this time I will be a better man. The murder of my honor would send my father to

the grave as quickly as the shedding of my blood by the law. Do not come forward and try to save me by sacrificing my honor!”

“They will hang you if you do not tell all,” was the reply. “Let us swear to the truth. Do not let Eva believe that you killed her father.”

The last sentence drove Abner Tenney to the wall of his cell with a groan. It seemed to unnerve him.

“She will never believe it!” he cried, a moment afterward. “In her eyes I will ever remain guiltless of her father’s murder, even though they hang me for the crime.”

The young man’s visitor left, and joined two other men of his age in the corridor of the jail.

“What does he say now?” was asked, with eagerness.

“He is still obdurate, and declares that we must not expose him.”

“Can we save him without the exposure?”

“We must! We shall!”

The trio were youths of respectable parents, but considered fast young men. They had of late been Abner Tenney’s companions, much to the regret of the few pious people who had noticed the familiarity.

“Look here,” said one, addressing his companions; “I hold myself in part responsible for Abner’s present situation. We led him into the habits that have fastened themselves upon us. We must save him!”

The spokesman of the dissolute party was a young student of medicine, and it was not long afterward that a learned medical gentleman of Cincinnati came to the county. The body of Zimri Buskirk was exhumed and examined.

John French stood by and watched the professor.

“Well?” he said, at last.

“You say that she swore to hearing Mr. Buskirk cry out after the thud of two blows?”

“So she swore.”

“The first blow must have produced instant death. It drove pieces of skull far into the brain. A stab in the heart could not prove more instantly fatal than the initial blow.”

“That is your opinion?”

“I will swear to it.”

The young man was satisfied, and the body, minus the head, was returned to the grave.

“If he will not sacrifice his honor to save his neck, I will save it for him, and his father need not know the truth.”

These words fell from John French’s lips as he passed from the house with the professor.

From that day the young student and his two friends were not idle. They made many trips from the county, and compared notes on their return.

The trial came at last, and the accused plead “not guilty,” in a firm voice.

Ellen Milliken repeated her testimony, so damaging to the defense, and adhered to it through the rigorous cross-questioning to which she was subjected. She had heard the cries after the blows; she was positive of this.

The other evidence offered by the State was merely circumstantial. The defense introduced the professor, who explained the nature of the wounds, and swore that the first blow had produced instant death. This produced an instant sensation in the court; it staggered Ellen Milliken’s testimony, until that hour believed invulnerable. The blows that now followed from the defense were hard and telling ones.

No alibi was attempted. The accused had forbidden such a plan, on the ground that it would reveal the secret which he was guarding so closely; but the defense became aggressive. It proved that Hiram Milliken, Ellen’s brother, was not where he said he was on the night of the murder. As the young man was not under arrest, the court forbade the introduction of such testimony, when John French rose and exclaimed:

“I do now accuse him of the murder of Zimri Buskirk! My affidavit is in the court-room; the sheriff holds it at this moment. Look at the man! Guilt is written on his face. He is trying to leave the house. Catch him!”

The confusion that now ensued was intense. Ellen Milliken, with a loud shriek, fell forward on the floor, where she was permitted to lie, for all eyes were turned upon her brother.

Pistol in hand, the young man was clearing a path to the door. No one dared to lay hands on him, for he threatened to shoot the first one who touched him, and thus he reached the door leading to the street.

On the threshold he paused, and faced the excited occupants of the court room.

“You will never put me in Abner Tenney’s place!” he cried. “If I did kill Zimri Buskirk, you shall not prove it and hang me!”

The next moment there was a loud report, and the human body, after swaying for an instant, fell heavily on the floor.

Hiram Milliken had taken his own life!

This tragic occurrence, as might be supposed, put an end to Abner Tenney’s trial. It established his innocence in the eyes of all, and the guilty was beyond the punishment of an earthly tribunal.

Upon her recovery, Ellen Milliken unfolded one of the darkest plots on record. She confessed that her testimony was but a tissue of falsehoods; that she knew that her brother had killed the farmer for the purpose of getting his money, and accused young Tenney, in order to prevent him from winning Eva Buskirk. Ellen, piqued at Tenney’s refusal to court her, had entered into the plot with revengeful spirit. But the game had failed.

Of course the minister’s son was released, and Ellen Milliken left the country between two days. She died several years later in a den of infamy in the South.

Abner Tenney led Eva Buskirk to the altar several months after his release, and became one of the solid men of his State. I believe he is still living, but his father, the minister, is dead; and the secret which he guarded so zealously at one time is no longer one.

It was simply this: Despite the holy influences under which he had been raised, he had departed from the paths of rectitude, and became a gambler, along with John French and his companions. On the night of the murder of Mr. Buskirk, the quartette were in the midst of a carouse which the youth refused to confess for the sake of his father, who never dreamed of his wild life.

But John French had saved the young man whom he had led into vice, and kept him from the gallows. Tenney’s secret was told by him after he had made a man of himself; but it puzzles many people who know it not to this day.

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