

Henry Harrison, a team of physicians tested the contents of Perry's stomach, using distillations from it to kill both a frog and a mouse, and pronouncing that, as many citizens had already concluded, Perry had indeed been murdered. Walker's trial, in June, ended with a hung jury; ten jurors were convinced she was guilty, two that she was innocent. Her daughter's trial was postponed. On August 2, the two women cut a hole through the wall of the jail and escaped. They were still at large in October, when their new trial date arrived. By February 1876, however, they had been arrested. That month, Fanny Walker had a baby, which was born in jail, and which prompted a sympathetic judge to postpone the trial. The following September 13, when the case came up again, the state dropped its charges against Milly Walker, and Fanny Walker was found not guilty.⁶²

By then, a new sensational murder case had occupied the public consciousness. In February 1876, Mathias Malsch, who had, since his 1871 immigration initiatives, practiced law, was on the road from Frelsburg to Columbus when he encountered another attorney, Emile Houillion, riding the other direction. Houillion suspected that Malsch had had an illicit affair with his wife, Belle. He knew that Malsch had accused him of forging a deed, and had therefore greatly damaged his practice. Believing that no one else was around, Houillion drew a pistol and began shooting. Malsch was hit at least once, and was thrown to the ground by his horse. He quickly scrambled to his feet and began running down the road. Houillion pursued him, still shooting. He shot Malsch again, then dismounted and stabbed him three times. Leaving Malsch dying or dead, Houillion rode back to Columbus, discarding his knife in a field along the way. In town, he encountered Robert Henry Harrison, a local physician, and reported that he had had a shootout with Malsch. Harrison and another physician, Joseph W. Brown, rode to the site. They found a small crowd gathered around Malsch's dead body. Even in his first conversation with Harrison, Houillion had blamed Malsch for firing the first shot. Houillion did not know, however, that two young men had seen the murder, and that they were prepared to dispute his story. Following their lead, authorities soon found Houillion's knife. They arrested Houillion shortly thereafter. His trial began on March 15, 1877. Over the next three days, fifty or more witnesses appeared, many of whom presented sensational evidence regarding Belle Houillion's apparent affair with Malsch. Houillion claimed that he knew nothing of the affair, and that he had shot Malsch only in self defense. He denied that the knife was his, and speculated that some unknown party had killed Malsch with it after he had left him wounded in the road but before he returned with help. The trial ended on March 17. Noting that the evidence indicated Houillion had pursued

⁶² *Colorado Citizen*, April 8, 1875, April 22, 1875, May 6, 1875, June 24, 1875, July 29, 1875, September 14, 1876; Colorado County District Court Records, Criminal Cause File No. 1349: *State of Texas v. Milly Walker and Fanny Walker*, Minute Book F, pp. 529, 617, Minute Book G, p. 55. It was the jury in the Fanny Walker case that spent the night in the courthouse and complained of the foul smelling privy.

Consider the Lily: The Ungilded History of Colorado County, Texas.

the fleeing Malsch for more than 100 yards, that his wife's affair was common knowledge, and that Malsch was unarmed, the jury returned to court on Monday, March 19, with a conviction. Houillion was sentenced to be hanged on April 20, 1878. In response to a petition signed by many local citizens, including Sheriff James A. Toliver, Governor Richard Bennett Hubbard, Jr. granted Houillion a reprieve until May 24. However, on May 22, Hubbard denied his plea for a commutation. On the night of May 23, Houillion wrote letters to his wife, to Toliver, and to a woman in Austin County, then retired to his bed. At about three o'clock in the morning, he called to the jailor, Monroe Harrison, who found him sweating profusely. Harrison called Toliver, who determined that Houillion had ingested poison. He was dead before a doctor could arrive. It was quickly determined that the poison had been wrapped inside a page from a March 27, 1878 edition of a Galveston newspaper, but no one ever discovered who had delivered it to Houillion. He claimed, in his letter to Toliver, to have had the poison in his possession for some time. He justified his suicide to his wife, who evidently had religious convictions against it, arguing "as they are murdering me I have the right to prevent the same the best way I can." In both letters, he continued to insist he was innocent.⁶³

By 1877, the citizens had become accustomed to one shocking murder per year. That year, the victim was Joseph W. Brown, the Columbus physician. Brown was in Houston attending a fair on May 25, 1877 when he was invited to dinner at the Kennedy Hotel by a friend. As the men ate at a communal table, an argument broke out between two other diners. The argument quickly degenerated into a fight, and a third man, William Lafayette Grissom, pulled one of the men from the room. Tempers were still running high when Grissom returned. He and Brown briefly exchanged words. Grissom later testified that he saw Brown reach into his coat, apparently to draw a pistol. Grissom quickly drew his gun and fired two

⁶³ Colorado County District Court Records, Criminal Cause File No. 1472: *State of Texas v. Emile Houillion; Colorado Citizen*, March 2, 1876, March 22, 1877, April 18, 1878, May 9, 1878, May 23, 1878, May 30, 1878, June 6, 1878; *Galveston Daily News*, May 8, 1878; Executive Clemency Papers, Emile Houillion, Secretary of State Records (RG 307) Archives Division, Texas State Library, Austin. Malsch had been authorized to practice law by the commissioners court on October 26, 1871 (see Colorado County Police [Commissioners] Court Minutes, Book 1862-1876, p. 228). Houillion's time in jail was apparently not in the least pleasant. On June 5, 1877, citing the conditions under which he was incarcerated, he asked the county to transfer him to another jail. The county refused. On September 14, 1877, his jailor, George Best, was indicted for malfeasance in office because he kept Houillion in "a loathsome and unhealthy cell" with insufficient drinking water, poor food, and no "means by which he could keep himself healthy and clean," forcing him "to wallow in filth and inhale the vapors of a filthy and unhealthy prison cell . . . causing dangerous and ill health and great personal and inhumane suffering" (see Colorado County Police [Commissioners] Court Minutes, Book 1876-1879, p. 230; Colorado County District Court Records, Criminal Cause File No. 1609: *State of Texas v. George Best*). Curiously, shortly after his death, a rumor arose that Houillion had faked his death, and that he had escaped to Europe. Sheriff Toliver stated that he had buried the body in the Columbus City Cemetery.