

The Murder of Sheriff Olive

Newspapers from across the state published accounts of the September 11, 1892, ambush murder of Sheriff John Olive. Because of his reputation throughout the state as an honest, hard-working lawman, newspapers from Corpus Christi to Amarillo carried either an account of the shooting or a tribute to the fallen lawman, or both.

Representative of the stories was the *Taylor Weekly Texan's* account published in its September 16 issue as follows:

The untimely death of Sheriff Olive at the hand of an assassin in Echo, Bell County, Last Sunday morning

Sheriff Olive, in company with U. S. Marshall John T. Rankin, was returning to Taylor from the Belton fair, and was waiting at Echo for the southbound M.K. & T. train. The two had gone onto the platform of the depot and had laid down on a pallet. Mr. Olive rose from the pallet and walked to the edge of the high platform when, without warning a man arose before him in the darkness, being about 2 a.m., and fired a shotgun, the charge taking effect in the side. Mr. Olive threw his hand to the wounded place, but did not fall, and with his other hand reached for his pistol and began firing at his assailant. The murderer fled, but in his flight he stepped in a hole near the railroad and fell down, Sheriff Olive shooting at him. By this time, Mr. Rankin arose from his pallet and also opened fire . . .

Sheriff Olive emptied his pistol and was then exhausted from the effects of his wounds. Mr. Rankin pursued the assassin, who made his way across the passenger train standing on the track, and through the weeds and darkness to a horse some one hundred yards away and made his escape.

As was the custom in many nineteenth-century newspapers, the September 12 issue of the *San Antonio Express* carried verbatim re-prints of stories from other publications as well.

The Florence Reporter

Mr. Olive was a good and true citizen and his record as a sheriff has been as good as any in Williamson County. He never shrank from his duty and was one that was always bringing the lawless to justice. This explains the cause of his death.

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Fayette County Democrat

In another column we found an account of the foul assassination of John T. Olive, the brave, untiring and efficient sheriff of Williamson County. Mr. Olive was at the little station of Echo, in Bell County, waiting for the train to bear him home when the cowardly assassin sneaked (*missing*) upon him. We had known him for many years and a braver man, a truer friend, a more energetic and efficient officer, a purer, loftier soul we have never met. The only men who dreaded him were violators of the law. All others . . . honored and respected him.

The Hutto Church Helper

Sheriff Olive was a brave man and a faithful officer, and has been a terror to evil doers in central Texas for a number of years. Law abiding men everywhere will be sorry to hear of the cowardly assassination of this brave officer.

The Taylor Weekly Texan

He was an indulgent father, a kind and loving husband, a brave and true friend. He was an officer, the peer of any who occupied a similar position in all Texas. His very name sent a terror to the hearts of evil doers, and his efficient record for the complete discharge of duty in every instance had a restraining influence over those inclined to unlawful acts. His reputation was not confined to Williamson County, but as a peace officer he was well known throughout the state.

That a noble citizen, a brave officer and a true man like this should meet his death at the hands of a midnight assassin without warning, causes a spirit of supreme indignation among his fellow countrymen and friends that cannot be suppressed, and the cowardly assassin, whose real or imaginary grievance against him was not supported by sufficient nerve to meet his brave antagonist face to face, and who sought the cover of the night to deal the death blow, will, without a doubt be tracked down by his fellow man, and made to answer for his villainous crime.

Within twenty-four hours of Sheriff John Olive's funeral, the Williamson County Commissioners' Court formed a committee to draft a resolution honoring the fallen lawman. The proclamation, entered into the official record of the Williamson County Commissioners' Court, was published in all regional newspapers and presented to Sheriff Olive's widow, Francis.

September 18, 1892

To Hon. D. S. Chessher, County Judge Williamson County, Texas

We, your committee appointed to draft a suitable order to be made by the court, on the untimely death of Sheriff John T. Olive, submit the following:

Be it remembered,

First – That Sheriff John T. Olive was a man among men, genial in disposition, generous to a fault, fair to his foes and loyal to his friends; clear-

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headed, big-hearted, strong and true – a man in many things more a model than a type.

Second – As an officer he was efficient, capable, eternally vigilant, without fear or favor he did his duty and served the court, the county and the state with unsurpassed ability. His like will not soon be found again.

Be it therefore entered in the record of the minutes of this court that in him society has lost a useful member and protector, the law an able executive officer, his companions a true, trusted and devoted friend, his family a kind and indulgent father and husband, and to those who sorrow most is extended the sincerest consolation and sympathy.

And it is further ordered that a copy hereof be made and fully transmitted to the family of the deceased and published in the paper.

(Signed)

R. L. Penn, County Commissioner

J. W. Hodges, County Clerk

Robert A. Johns, District Attorney

According to the September 18 issue of the *Austin Daily Statesman*,

Upon presentment of the above resolutions Robert A. John, Esq., made the following remarks:

‘The minutes of this term begin with marking “John T. Olive present,” but when sealed with your honor’s signature he must be marked “absent forever.” How long will he dwell in our memory? Are not after all the dead too soon forgotten? And yet the strength of John Olive’s personality ought to abide with us at least until the grass grows green over his grave.

‘He was a man of strong and incisive intellect and indomitable will, and although he began as a penniless stranger in an alien land, he died in easy circumstances and with friends as countless as the stars, and when we appreciate his integrity and almost prodigal liberality, the native ability of the unlettered boy shines in contrast to a well balanced, well informed but self-made man.

‘He died at the hands of an assassin in the forty-second year of his age, loved, honored and respected, his name familiar and his fame known from one end of this state to the other.

‘He died, as thought by many and as he on his deathbed believed, that he lost his life because he did his duty. Acting as a brave and fearless officer, his devotion to duty excited the wrath of those who resisted its mandates, and his death resulted from their desperate violence.

‘No matter who it was that watched with vengeful eye and trailed with muffled footsteps in his path; no matter who it was that crouched like a beast when he approached and with bated breath bided the fatal moment; no matter who

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it was that when standing erect his stalwart frame stood at the point of vantage, where the aim could be sure and the target certain, the wretch who slew this manly man was an inhuman and cowardly fiend. Somewhere in Texas today the murderer lurks gloating over the deed he had done, and I hope, without one pang of remorse, because a conscience would make human and akin to him that's dead. I would rather deny him even that touch of manhood.

'But as John Olive said, "We all have our time to die, and if this is mine I can go." May we add as he did when the shadows gathered, "It's all right; I am ready to go."

'I do not care to add anything further, because the language of sincere sorrow is simple and direct. I only know that to me in life he seemed a tower of strength, which lends to him a double dignity. The grave has clothed him in a certain grandeur. There at least he is beyond the reach of the shafts of enmity, hatred and revenge.

As months turned into years and decades slowly slipped by, the hunt for Sheriff Olive's killer slowly came to an end. Court documents pertaining to the eventual re-arrest and trial of Theodore Armstrong have been lost over the years. And although it seems unlikely that a Williamson County grand jury would indict and try Theodore Armstrong without compelling evidence, it is exactly this evidence, and grand jury testimony, which eludes present-day research.

Causing confusion in 1914 was a newspaper article that appeared in a Fort Worth paper stating that Armstrong had confessed to murdering Sheriff Olive. It was this newspaper account that would further complicate the court's attempt to bring Sheriff Olive's killer to justice.

While several other newspaper articles indicated that Armstrong gave himself up and confessed to the murder of Sheriff Olive, it is currently impossible to determine whether this was, in fact, the situation.

According to the media at the time, an aging Theodore Armstrong turned himself in to Williamson County Sheriff Lee O. Allen, saying that he was the man who, on that dark, rainy morning of September 12, 1892, had fired his shotgun from ambush and killed Sheriff John Olive. Sheriff Allen then arrested Armstrong and held him for trial.

Most likely, the following article, which states that Armstrong was arrested on an indictment handed down by a Williamson County grand jury, was closer to the truth:

BELTON MAN ARRESTED

Theo. Armstrong Charged With Murder of Sheriff Olive 20 Years Ago

Georgetown, Nov. 14 - Theo. Armstrong of Belton was arrested in Bell County last night on a grand jury indictment just returned in Williamson County, charging him with the murder of Sheriff T. Olive in September, 1892. He was

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placed under a \$10,000 bond. The tragedy occurred at Echo, a little town in Bell County.

Sheriff Olive was walking on the platform and was shot down and died in Taylor three days later. At the time the tragedy created great excitement.

The trial of Theodore Armstrong for the murder of Sheriff Olive was finally held in May 1915 and was covered by many newspapers throughout the state. The following article appeared in the May 20, 1915, issue of the *Williamson County Sun*:

CRIMINAL DOCKET

The case of Theo. Armstrong, accused of killing John T. Olive in 1892, Mr. Olive being at that time sheriff of Williamson county, was called yesterday morning. As Judge Fisher was disqualified, Judge Chas. A. Wilcox was presiding. All motions for a continuance were overruled and the case has gone to trial. At this time they are engaged in trying to get a jury. A large number are here, being summoned as a special venire. There is much interest manifested in the case. The jury was later secured and is as follows:

Louis Watson	L.R. Smith
Tom Jinks	W.O. Cheek
Orin Moore	G.L. Smith
Z. Purcell	Oscar Butts
J. D. Harvell	W.B. Glenn
Chester Cocke	C.L. Hickman

The witnesses were sworn and put under rule. John MacWrich fined \$500 for refusing to obey subpoena. The court house is crowded with witnesses and spectators.

The following appeared in the May 21, 1915, issue of the *Williamson County Sun*:

TESTIMONY IN THE ARMSTRONG CASE

Excitement in the Court Room

GEORGETOWN, Tex., May 20 - The Theo Armstrong trial, in which defendant is charged with the murder of Sheriff Olive of Williamson county, twenty-three years ago, was concluded today, insofar as taking of testimony was concerned. The case will probably reach the jury tomorrow.

Intense excitement prevailed in the court room at about the noon hour, when Sheriff Lee Allen's "45" went off in his pocket. Nervous tension was high, and at the explosion there was a mad rush for the doors. When quiet was restored the sheriff discovered that he had been the cause of the scare. He had shifted his position in an arm chair and the pistol in his coat pocket had not jarred him when it went off.

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Governor Ferguson, who had been summoned as a witness, was not present, but Secretary of State John McKay responded to his summons.

The defense called only two witnesses: Texas Governor James E. "Pa" Ferguson and Texas Secretary of State John McKay, both prominent Bell County residents. The family farm of Governor Ferguson's wife, Miriam, was adjacent to the Armstrong family farm in the eastern Bell County community of Sparks and Secretary of State McKay's father had been Theodore Armstrong's attorney when the accused murderer was arrested in 1893.

After only ten minutes of deliberation, the jury found Armstrong not guilty of Sheriff Olive's murder.

Having been found not guilty for the murder of Sheriff Olive, Theodore Armstrong turned his attention to the Fort Worth newspaper that had published the original story about Armstrong's confession. Armstrong easily won a lawsuit and, six months later, won the case again when it was appealed by the newspaper.

Armstrong received \$1,000 damages.

In a form of poetic justice, the principal character witness for Theodore Armstrong, Governor "Pa" Ferguson, was indicted two years later on seven counts of misapplication of public funds, one count of embezzlement, and one count of diversion of a special fund. Accordingly, he was removed from office by a 25 to 3 vote of the state legislature's special Court of Impeachment. His wife, "Ma" Ferguson, was elected in 1924 as the state's first woman governor. Political strife and controversy characterized her administration. Most notable were the irregularities in granting pardons and paroles and the awarding of road contracts by the state's highway department. Governor Ferguson was accused of accepting bribes of cash and land for the monthly pardons of hundreds of convicts during her tenure as governor. The state highway department was accused of granting road construction contracts to the governor's friends and political supporters. She failed to gain the Democratic Party's nomination for governor in 1926. State Attorney General Daniel James (Dan) Moody of Taylor received the party's nomination and was elected governor. Pa Ferguson died in 1944; Miriam, in 1961. They are buried together in the State Cemetery in Austin.

Theodore Armstrong died in 1916, one year after he was acquitted for the murder of Sheriff Olive. His wife, Jane, died in 1925. They are buried together only a short distance south of the family farm in the Armstrong family plot in the Bell County Volvo Cemetery near Sparks.

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Williamson County Sheriff John T. Olive (circa 1890)

(Excerpt from *The Noble John Olive*® by Jim Dillard)