

Murder of J.I. Hornsby-Part 2

By Kathryn Dodd

So we continue the story of J.I. Hornsby murdered on July 28, 1928. John Rippy was arrested for the murder and at one trial given 25 years, then at another trial 35 years but both convictions were reversed by the Court of Criminal Appeals. But will he be convicted a third time and serve time? The newspaper articles on this start in 1928 and then end in April 1934. I was not able to include all of the trial testimony but instead included the parts I thought gave more information about the reasons John Rippy was arrested and tried for the Hornsby murder.

Denton Record Chronicle-December 12, 1930

State Rests In Murder Trial

After 18 witnesses had taken the stand to offer testimony upon which the state depends to weave a web of circumstances to fix responsibility for the slaying of J.I. Hornsby upon the shoulders of John Rippy, the prosecution rested its case shortly after 3 o'clock Friday.

The final state witness was former Deputy Sheriff A.C. Howerton, now a member of the Fort Worth police department.

Howerton On Stand

The former deputy sheriff first detailed the position of Hornsby's body on the ground and his investigation of the grounds and filling station. He drew a diagram of the building, nearby roads, John Rippy's home and a bridge over a creek north of the station.

Witness then told of following some horse tracks from the station to a point just opposite Rippy's house. There, at a railroad crossing the saw some tracks made by man and he followed these to the Rippy place. Rippy came to the door in answer to Howerton's call and witness said he asked Rippy, "Did you happen to hear any shots fired down by the filling station last this afternoon?" Rippy replied, witness said, "That was a good old man. I saw him about 2 o'clock this afternoon but didn't see him after that."

The first witness Friday morning was Hub Matthews of near Ponder who said he stopped at the station to get gas while on his way home about 6 o'clock on the day Hornsby was killed. He said he saw Rippy after driving away from the station and that Rippy had a shotgun in his hand. On cross examination he said he met the Fort Worth- Krum bus before he got to Ponder.

Boys Testify

James Evans, who was 15 at the time of the killing, said he and Howard Harvey were out riding on bicycles and stopped at the filling station about 6 o'clock and stayed there for five minutes. While they were at the station, John Rippy, with a gun in his hand, came up and Evans said he and Harvey left the two men together. He said that Hornsby was standing in the door and that Rippy was sitting on the running board of the car parked in the filling station driveway.

Before reaching a bridge (on which witness said a sign stated that it was 500 feet to the Two-John filling station), witness said he heard a shot and after reaching the bridge he heard another shot. He said the shots sounded like they came from the filling station but he couldn't be sure. On cross-examination, the boy said that Rippy joked with Harvey and seemed to be in a good humor while at the station.

Howard Harvey, 13 at the time of the killing, offered the same testimony practically as Evans, except he said he fell down on the bridge and looked back toward the station after the second shot and saw Rippy in front of the station, still with the gun in his hands.

Mrs. P.B Harvey said she was on a bus driven by Tom Nations and passed the filling station about 6:15. She said she saw a man walking toward the underpass just east of the station and that he had a gun in his hands. Witness said she and Nations passed her son, Howard Harvey, and James Evans just after crossing the bridge referred to by the boys in their testimony.

Tom Nations, driver of the bus, places the time of passing the station at 6:15. He said he saw Hornsby standing with bowed head between a car parked in the station driveway and some oil barrels in front of the station doorway. Hornsby was facing the doorway and did not look up. Nations said he could not see Hornsby's hands. Witness said he saw John Rippy walking toward the underpass. On cross-examination, Nations said he did not hear the shots fired and on re-direct examination, he said the car in which he was driving made considerable noise.

Mrs. J.I. Hornsby, widow of the deceased, was the first witness to take the stand. In a crowded courtroom, she told of seeing her husband leave on the morning of July 25, 1928, and next seeing him dead.

And with that, the State rested its case. Then the next day, December 13, a Saturday, Rippy's defense attorneys presented their witnesses.

"Testimony to show that J.I Hornsby, one-legged filling station operator, was alive at a time later than at which the state alleges he was slain by John Rippy, being tried for a second time on a murder charge, was introduced by the defense when George Smith of Krum and Will Drake of Fort Worth were placed on the stand. On direct examination, Drake said he saw Hornsby alive after the Krum-Fort Worth bus had passed the filling station and had almost reached Krum. The state had previously offered testimony of circumstances which would indicate Hornsby had been shot shortly before the bus passed the station. Smith on direct examination declared he followed the bus from the Stony road by the filling station and that he saw Hornsby standing in front of the station and that Hornsby responded. The witness said he was driving from Gainesville and picked up a man named Howard Coleman. They drove by Krum to see a friend of Coleman's and then drove toward the Two-John filling station. Near the first bridge out of Krum, they passed the Fort Worth - Krum bus going toward Krum and at the bridge two boys on bicycles stopped to wait for the witness to drive across the bridge, Drake said. Reaching the station, witness said he found Hornsby standing in the door of the station while a white man and two Mexicans were there in a Ford touring car. A shot gun was in the front seat of the car, he said. The white man was drunk and was trying to trade a half gallon of whiskey for some gasoline. The white man wanted to sell the whiskey to Drake so that he could buy some gasoline and when Drake refused he was cursed by the man. Drake said he drove on to Denton, reported to some men in front of the city hall that two drunk Mexicans and a white man were coming toward Denton and then went to a barber shop where he changed his shirt, When they left the barber shop it was just about 6:30 by the town clock."

The first witness introduced by the defense Saturday morning was Virgil Givens, Krum mail carrier. He said he had seen Hornsby and Rippy together at the filling station and they had appeared friendly. Practically the same testimony was offered by J.I. Coulter and Fred Legg. George Smith of Krum, who lived near Denton at the time of the killing, said that about 6 o'clock on the day Hornsby was killed he was returning down the Stony road toward Denton. Just before he reached the Fort Worth-Krum Highway he saw the Krum bus. He pulled in behind the bus and continued about 75 yards behind it until he turned to go under the underpass. There was no car in the driveway of the station, witness said, and he waved to Hornsby and he responded. He said he met two persons on bicycles half way from the underpass to the old Krum road then passed two boys on bicycles before he reached the road leading to the Experiment Farm. He said he had known James Evans and Howard Harvey off and on all their lives but did not recognize them as riders of the bicycles. He said he did not see John Rippy.

Tune in next month for the third and final chapter to this murder.



Virgil-Givens (Gibbens)-postal carrier