

# The Public Execution of J. W. Rover - February 19, 1878

Three years and five trials after the discovery of I.N. Sharp's dismembered body near Rabbit Hole sulphur mines in Humboldt County, J. W. Rover was ceremoniously hanged in the Washoe County's Courthouse yard. The hanging was Reno's first and only "legal" public execution. Providing you are willing to call a mob of vigilantes "the public, Louis Ortiz was publicly lynched on the Virginia Street bridge, September 19, 1891.

The day of the hanging of Rover would be a cold, snowy afternoon on February 19, 1878.

Reno was not quite a decade on the map at the time but it managed to carry out justice in a fairly authoritative manner for neighboring Humboldt County. The Reno citizens pointed out with some complacency, that Rover's hanging was the first execution in all of Washoe County, and those involved, with the exception of J. W. Rover, seemed to think the affair was creditable if not exactly commendable.



*The Washoe County Courthouse in Reno Nevada as it appeared in 1878. Built in 1873, the front of the first floor contained the Clerk and Recorder's Office. To the rear was the Jail. The Courtroom was on the 2nd floor. The hanging of J. W. Rover took place behind the building in a courtyard near the jail. The original building was not torn down with progress but is incorporated in the the existing Washoe County Courthouse.*

## THE CASE BEGINS - IN HUMBOLDT COUNTY

The Rover case began in the spring of 1873. when Rover and J. J. McWorthy located a sulphur mine near Rabbit Hole Springs. McWorthy claimed the location in his name alone, according to later accounts, a matter which led to some annoyance on Rover's part. Rover however, agreed to stay and work the claim, and the pair were joined by a third man, I. N. Sharp.

In early April, 1875, McWorthy, left the mine briefly to buy supplies at Mill City, the nearest town. When he returned to the mine at to Rabbit Hole, there was no trace of Sharp. Rover remarked that Sharp had gone hunting for the outfit's one packhorse when it strayed.

McWorthy wasn't exactly satisfied with Rover's explanation. None-the-less, the two apparently shared dinner and the same bunk that night. The next day, McWorthy walked the hills looking for the missing man, "calling for him" He searched for the next four days while Rover placidly worked the mine.

McWorthy then rode to the ranch of a friend, Charles Osborn. during his searching. He learned from Mrs. Osborn that she had once overheard Rover threaten Sharp's life. Becoming increasingly suspicious, McWorthy sent a telegram from Mill City to Oakland and the response revealed that Sharp had not returned to his California home.

Armed with his suspicions and little evidence, Mr. McWorthy rode into Winnemucca and obtained a warrant for Rover's arrest. Accompanied with Humboldt County 's sheriff Richard Nash, McWorthy returned to the mine. Once back at the mine, Sheriff Nash and McWorthy found Sharp's body dismembered and buried at several different places in ore sacks. Tracks around the various burial places matched the mark made by Rover's new boots. Rover was escorted by Sheriff Nash to Winnemucca for trial.

## **HUMBOLDT TRAILS EXHAUST JUROR SUPPLY**

In jail, Rover tore off the soles of the boots and destroyed them. He then accused McWorthy of committing the murder of Sharp, which he claimed to have witnessed. The Jury gave him a cold eye and found him guilty. However, upon appeal, the Nevada Supreme Court, reviewing the judgment, granted a new trial.

Again, a Humboldt County jury heard the case, and again found Rover guilty. The Supreme Court reconsidered the matter and granted Rover still another trial. This time, because Humboldt County had run out of eligible jurors, the case was transferred to Washoe County.

## **RENO SPECTATORS CROWD COURTROOM**

Reno residents turned out in mass for the trial. and were much disappointed when the hearing ended in a hung jury. A second trial got under way in June of 1877. This one resulted in a speedy verdict of guilty, despite a 3 1/2 hour harangue by Rover's counsel.

Rover, however, did not seem much concerned about either the verdict or the subsequent death sentence. He had heard it all before. Rover grandly informed the Journal's reporter that he would eat a hearty breakfast, and did so.

Once more the case went to the supreme court which granted a stay of execution pending their decision. Re-marked the Journal on July 20, 1877, 13 days before the execution was to take place, "We said the other day that the lawyers would keep his neck out of the halter until next spring" It proved to be a nice prophecy.

It took the supreme court quite. while to decide about Rover, but finally it came to the conclusion that his case had been thoroughly aired. They ordered Sheriff A. K. Lamb to carry out the sentence on February 19, 1878.

Rover had been a tough guy prior to the last verdict. whose antics in "Cell No. 1" had given the sheriff some trouble. Upon hearing the date he was to be hanged, Rover became a different person--Quiet and docile -- as February 19 neared.

Groups of Reno people called on the condemned man. They included the soul savers, the genuinely sympathetic and the genuinely morbid. There was inevitably the lady who inquired if he had made his peace with the Lord, at which Rover remarked with some exasperation that he had done so "many years ago."

## **LEGAL SLIGHT OF HAND – A SHERIFF'S JURY**

One more attempt was made by Rover's attorneys. M. S. Bonnifield of Winnemucca and T. W. Davis of Carson. In attempt to save their client, they demanded that a "sheriff's jury" be called to determine whether or not Rover was sane.

Half the attorneys in Washoe county had never heard of such procedure. There was much pawing through the law books before everyone in town was satisfied that 12 men could be assembled for such judgment with no possible challenge of their verdict.

When called, the 12-man jury made up a blue-ribbon jury of Reno citizens. The jury included J. C. Lewis, J. K. Everett, R. W. Ash, H. Toombs, Frank Bell, J. C. Hagerman, J. S. Shoemaker, H. H. Beck, E. A. Vesey, H. W. Higgins, L. L. Crockett and William Duck. They represented merchandising, saloon keeping, the press, the overland telegraph service, and various other prominent occupations in Reno. Perhaps because of their various outlooks they ultimately couldn't make up their minds.

On the night of February 18. while the jury sat inside the courthouse hearing evidence and most of the rest of the town tried to crowd into the second-floor courtroom to hear what the jury heard. In the meanwhile, J F. Hollar day was setting up the gallows on the snow-covered yard below.



Hollarday had been working FOR two days on the scaffold, which had "an eight-foot fall" A 5/8-inch rope would be used, and the trap was held by two protruding bolts which could be drawn back to release the platform allowing Rover's body to plunge snapping his neck killing him instantly

### **200 TO ATTEND THE HANGING**

Sheriff Lamb also ordered a quantity of lumber shortly before the execution which was used to fence the courthouse yard. "The tragic scene will be as private as possible." said the Journal, noting that "Sheriff Lamb intends to issue about 100 invitations." Lamb actually issued 200 invitations to witness the execution.

### **NO DECISION BY SHERIFF'S JURY**

At 11 p. m. the jury adjourned for the night. They reconvened at 8.30 the following morning and wrestled for four hours. Seven were

sure that Rover was sane; five were not sure about his sanity. Hopelessly deadlocked, they were dismissed. There was no further delay in the execution.

Rover, 48 years of age, was led to the gallows, and walked up the steps very slowly. Seven other prisoners in the county jail "made full use of the small space above the iron covering over the back window to witness the tragic scene."

### **ROVER DOES NOT GO QUIETLY**

The 200 privileged onlookers craned their necks as Rover sat down in a conveniently placed chair. The rest of Reno milled around Virginia and Court Streets "and peeped through the cracks" in the fence. They were a noisy bunch of outsiders, and the deputies frequently admonished them to be quiet. One gate-crasher, who tried to climb over the barricade was arrested.

On the scaffold with Rover were Washoe County Sheriff Lamb, Sheriff Swift of Ormsby County, WCSO Deputy James H. Kinkead, Len Harris, Isaac Chamberlain and two Catholic fathers.

Rover was equal to the occasion. When asked if he had anything to say, Rover arose and harangued the crowd for 52 minutes. He waxed eloquent in defense of his own innocence, accused McWorthy of four other murders besides that of Sharp, made all the confessions of faith expected of a condemned man and finally said he was ready to die.

Lamb and Swift tied Rover's hands and feet, Kinkead put the black cap over his head and the trap was sprung. Hollarday's gallows worked perfectly. After a brief time, the body was cut down and buried quietly in the Catholic cemetery.

It was all over but the shouting by Humboldt County officials when Washoe County authorities confronted them with bills for two trials, the sheriff's jury session and the actual hanging. The price of justice was found to be expensive.