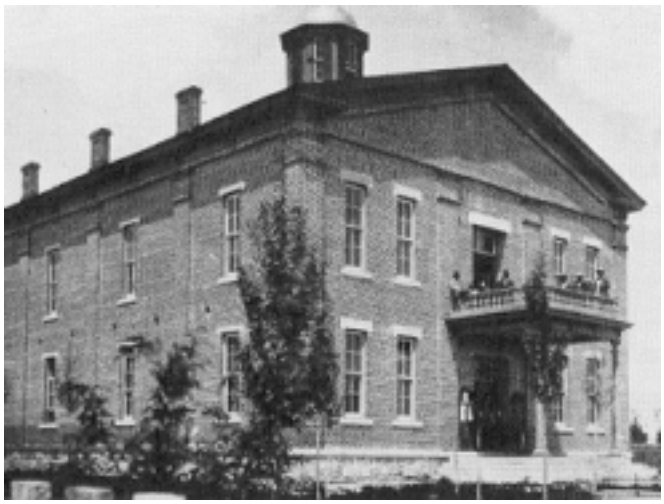
by Guy Rocha, former Nevada State Archivist

A long-standing story goes that J. W. Rover, hanged in Reno in 1878 for murder, was, indeed, innocent. Rover was arrested and convicted for the murder of business partner Isaac Sharp following Sharp's disappearance and the subsequent discovery of his dismembered body by the Humboldt County sheriff. Nevada newspaper accounts in 1899 wrote of a death bed confession exonerating Rover made by his other business partner and accuser, Frank McWorthy, in Arizona Territory.

Sharp, McWorthy and Rover were business associates in a sulphur mine near Rabbit Hole Springs just outside the Block Rock Desert in what was then Humboldt County. McWorthy and Rover accused each other of the April 1875 murder. However, it was McWorthy who rode to the county seat of Winnemucca and swore out a complaint against Rover.

Based essentially on McWorthy's court testimony and circumstantial evidence, Rover was convicted of murder. Rover failed to convince the jury that McWorthy had actually killed Sharp and framed him for the brutal slaying.



The case was appealed to the Nevada Supreme Court in Carson City, overturned on the technicality that the jury did not explicitly state conviction for first-degree murder, and a retrial ordered. The trial outcome in 1876 was the same except that Rover was now found guilty of

first-degree murder.

A second appeal to the Nevada Supreme Court also resulted in a retrial because of a district judge's erroneous instruction defining reasonable doubt. However, due to a depleted jury pool in Humboldt County the venue was changed to Washoe County.

A third trial in Reno ended in a hung jury, but the fourth and final trial in 1877 sealed Rover's fate. He was again found guilty of murder in the first degree and sentenced to die on February 19, 1878. This time the Supreme Court did not concur with the arguments made on appeal and directed the Washoe County sheriff to carry out the sentence. A petition for commutation from Humboldt County citizens to the State Board of Pardons was also not entertained.

Yet one more effort was made to save Rover's life. Based on an obscure and rarely used law, the condemned man's attorneys demanded that a "sheriff's jury" be called to determine Rover's sanity. Seven of the twelve jurymen deemed Rover sane; five weren't sure. Hopelessly deadlocked on the morning of the execution, the jurors were dismissed.

While the state legislature had made public executions illegal in 1875, that didn't stop Sheriff Albion Lamb from inviting some 200 guests to witness the hanging on the courthouse grounds behind an enclosure. Rover's last words took 52 minutes to share with the gathering. Professing his innocence to the end, and still blaming McWorthy for Sharp's murder, a black hood was pulled over his head and the gallows' trapdoor sprung. Later the rope was cut and Rover's body transported to the nearby Catholic cemetery for burial. Reno had experienced its only legal execution and Washoe County sent Humboldt County the bill for the trials and the hanging.

The story didn't end there. Eilley Orrum Bowers, the well known eccentric "Washoe Seeress," claimed that Rover's spirit had come to her and declared his innocence. For awhile, it was popular to hold séances to contact Rover. Others who had visited the Rabbit Hole Springs mine swore that Rover haunted the area and refused to work there after dark. Even without Bowers' psychic pronouncement of Rover's innocence and the talk of his tormented ghost, newspapers for years noted the doubts among some that he was guilty of murder.

In fact, a story originating in the *New York Engineering and Mining Journal* was reprinted on

July 22, 1899 in Winnemucca's Silver State, Carson City News, and probably other newspapers claiming, "It afterward developed that Rover was innocent of the crime for which he suffered. McWorthy died a few years ago in Arizona, and on his deathbed confessed that he was the murderer of Sharp." A lengthy story on the Rover case in Winnemucca's *Humboldt Star* in 1928 took it as fact that there had been a deathbed confession. So have others even today.

Actually, Frank McWorthy returned to his wife, Helen, and family in Oakland after the lengthy trials, dying in California sometime after 1900. A squib in the *Reno Evening Gazette* of July 24, 1899 has been somehow overlooked which noted, "The *News* is mistaken, for McWorthy is alive today and lives in Oakland. Rover killed Sharp and paid the penalty with his life."

The *Oakland Tribune* of October 19, 1898 briefly mentioned a lawsuit over mining property in Plumas County, California, involving McWorthy. However, the definitive evidence is found in the 1900 U.S. Census. J. Franklin McWorthy, age 74, was enumerated as living with wife Helen in Eden, Alameda County, California.

Despite three juries finding Rover guilty of murder beyond a reasonable doubt, given Rover's accusation that McWorthy killed Sharp, there will always be some doubt that Rover was the murderer. However a thorough examination of census records for California and other sources leaves no doubt that McWorthy's so-called deathbed confession was an unfounded rumor embraced by some as fact.

Photograph: Washoe County Courthouse, Reno, built in 1873. This building still exists but was sheathed with a new façade and additions in 1910. Courtesy of Nevada Historical Society.

The Historical Myths of the Month are published in the *Reno Gazette-Journal* and in the *Sierra Sage*, Carson City/Carson Valley.