

Land dispute part of Nev.'s storied past

By Anne Knowles

CARSON CITY – Nevada's statehood, celebrated this sesquicentennial year, came on the heels of a boundary dispute with California that left one person dead and the border that split Lake Tahoe still undefined.

"The battle took place in February 1863 and lasted just four hours," Jeff Kintop, Nevada state archivist in Carson City, told *Lake Tahoe News*. "As soon as somebody was hurt, they decided to try something else."

The Roop County War, fought over Susanville and Honey Lake, ended in an agreement to jointly survey the land, but it was more than 100 years before the line between the two states would be definitively settled.

The problem started on the eve of California statehood in 1849. A convention was convened to write a constitution for land known as Upper California that was acquired during the Mexican-American War. The land stretched as far east as Utah and included the Great Basin, but for various reasons the convention delegates decided to cut California off at the Sierra Nevada mountain range.

The clause inserted into the state Constitution defined the border by latitude and longitude without surveying it. With the Gold Rush on, California, ill defined as it was, became a state in 1850.

Then a few years later California's ambiguous border came into play around another body of water.

"Susanville up around Honey Lake was first settled in 1854 and

the people there basically refused to pay California taxes,” Kintop said. “They tried to create their own territory called Nataqua. There weren’t that many people there and it wasn’t recognized, but they didn’t want to pay taxes to Utah either.”



Nevada and California land disputes continued until 1980.

Nevada became a territory in 1861 and the area known as Nataqua became Roop County, named after Isaac Roop, the founder of Susanville, named after his daughter, and a member of Nevada Territory’s Senate.

“He was serving in the Legislature and didn’t try to organize the county until 1863,” Kintop said. “California said ‘No, we won’t rescind from this boundary.’ But no one knew where the boundary was. They hadn’t surveyed it yet and they thought Susanville was in Nevada and Aurora was in California.”

In 1863, the Roop County justice of the peace, John Ward,

issued an injunction against the Plumas County, Calif., justice of the peace. In retaliation, the Plumas County sheriff arrested Roop County's sheriff and justice of the peace. He was stopped by an armed group of men, according to Kintop, and then organized a posse of about 70 men and headed for Susanville.

"They were met with resistance by Isaac Roop and his men held up in Roop's cabin, which they named Fort Defiant," Kintop said. "They started shooting at each other. As soon as one person was killed and two people were wounded, they mutually called a truce."

To resolve it, they agreed to appoint a surveying team – Surveyor-General J.F. Houghton acting for the state of California and Butler Ives, for the territory of Nevada.

The final report placed Susanville and Honey Lake in California and was accepted by California in April 1864 and Nevada in February 1865, five months after it became a state.

But that didn't put an end to the bigger border dispute. Surveys continued, including one approved by the U.S. Congress in 1872 and another conducted from 1893-99.

Then in 1977, California sued Nevada. "California was trying to collect taxes on Nevada property holders whose property crossed state lines," said Kintop.

The U.S. Supreme Court settled the case in 1980, using the 1872 survey done by Alexey Von Schmidt for the boundary from North Lake Tahoe to Oregon and the U.S. Coast and Geodetic Survey started in 1893 for the border from South Lake Tahoe to the Colorado River, leaving Lake Tahoe, as always, split between the two states.

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Notes:

Nevada turns 150 on Oct. 31. The state has been having celebrations all year. It culminates Saturday with a parade in Carson City. For more info, go online.