

# Shabbona Express

October, 2024

## Events

**October 12** – Community Game Night  
@ 6 PM – 9 PM @ 104 W  
Comanche Ave (Up Realty)

**October 15** – Pumpkin Decorating  
& Carving Contest @ 6PM @  
Flewelin Memorial Library

**October 18** – Light Supper & Bunco  
Game Night @ 5:30 PM @  
Shabbona Community Church

**October 31** – Trick or Treat @  
4:30 PM – 7 PM

**October 31** – Haunted House @  
5 PM – 7 PM @ Shabbona  
Community Church

**November 21** – 130<sup>th</sup> Turkey Dinner @  
4 PM – 6:30 PM @ Shabbona  
Community Church

## Bring Shabbona Back

By Kallan Welsh

Envisioning Shabbona as a thriving and bustling town doesn't require any bold new vision; we need only look to the past.



The streets were once lined with storefronts which saw heavy foot traffic. Today, the streets are lined with vacant lots, empty storefronts, and parking lots which were once populated by businesses.



(This article continues on page 3)

# Shabbona Express

## Village Government News

By Joshua Snyder

Joseph “Zeke” Rupnick, the chairman of the Prairie Band Potawatomi Nation, gave an update to the Village Board about the nation. He said they have been talking with the Village of Shabbona, the Village of Waterman, and the Kishwaukee Water Reclamation District about doing a feasibility study for building a wastewater treatment facility. The plan would be to tie the villages of Waterman and Shabbona into it. This would help address some capacity limitations and EPA regulations affecting the existing treatment facilities for both villages. Zeke mentioned that the Corps of Engineers and the Indian Health Services have federal funds available specifically for tribes and said the feasibility study can likely be paid for with those funds. Zeke also emphasized that the project is still very early in the planning stages and that negotiations still have to be made.

The Village Board approved a zoning variance for 607 S Shabbona Rd. The variance was for a larger garage than what is allowed under the zoning code.

The seal coating and striping of the east side parking lot of the Shabbona Community Church was approved at a cost of \$800.

The Board approved a proposal to publish the board packets within 10 days on the village website. These packets can be accessed at: <https://www.shabbona-il.com/meetings/recent> This is a great step towards transparency from the board and now anyone can take a look to learn more about the Village’s financials and plans without requiring a FOIA request.

Halloween Trick or Treat hours were set to be on October 31<sup>st</sup> from 4:30 PM to 7 PM.

The Board approved giving the model hotels/motels and urban camping ordinances to the attorney to review and adapt to fit Shabbona’s needs. A copy of the model ordinances are in the board packet published on the village website.

The urban camping ordinance appears to be targeted at people sleeping or camping in their vehicles or on a public street, sidewalk, park or other public property.

The hotels/motels ordinance provided by the Village President for consideration is from the City of DeKalb. We will perform a summary of the ordinance the village attorney proposes instead of the one from DeKalb because there may be significant changes and the Board specifically asked if the attorney will consider language from smaller municipalities than DeKalb, considering DeKalb is significantly larger and has different needs than Shabbona.

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# Shabbona Express

## Bring Shabbona Back

(Continued from page 1)

Here's a partial list of businesses Shabbona was once home to:

- Trailer sales
- An active rail depot
- Building materials sales
- Bakery
- Multiple grocers
- Hardware store
- A barber
- Farm machinery store
- Meat market
- Furniture store
- Appliance store
- Multiple more gas and service stations
- Multiple dentists
- Multiple doctors
- Veterinarian
- Creamery
- Car dealership
- Multiple restaurants and diners
- Multiple greenhouses
- Gift shop
- Multiple beauty salons
- Multiple saloons
- Variety store
- Another pizza restaurant
- Another gun store
- Laundromat
- Several newspaper companies
- Attorneys offices
- Kennel
- Ice cream shop

and more..., not to mention much more active clubs and fraternal organizations. While it's true that not every one of these businesses was active at the same time, many older folks in the community remember being around during the time the town was much more active.

Even in more recent photos, one can see that Shabbona used to simply *have more in it*. I don't think it's a good thing that so much of Shabbona has been torn down and not rebuilt. Nor is it a good thing that buildings that do remain are sitting vacant.



There are various factors at play including the construction of I-88, which allows a lot of vehicle traffic to bypass downtown; and yet, that cannot be the sole explanatory factor for the economic decline in Shabbona, as Shabbona was much more bustling with a *smaller population than today and even before any vehicle traffic whatsoever* (not to mention that, in absolute terms, vehicle traffic is still quite high on US-30).

Shabbona, today, has many economic benefits it did not have in the past, and can absolutely support a thriving downtown again; to that end, I purchased and have been refurbishing the Shabbona Hotel, populating its commercial storefronts with new businesses, and working with other property owners to do the same. I highly encourage anyone with an interest in opening a business downtown or rehabilitating a property to do so. There are many in town who are eager to support such efforts. Isn't it about time we bring Shabbona back?





# Shabbona Express

Shabbona Community Church



## 130<sup>th</sup> TURKEY DINNER

THURSDAY  
November 21

...  
*Drive-Thru Only*  
4-6:30 pm

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**All Meals \$16**

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Shabbona Community Church*



# Shabbona Express

## Shabbona Lake

(This is a submission and does not necessarily represent the views of the Shabbona Express nor its writers)

By Peter Dordal

Shabbona Lake State Park is a treasured resource, not only to us but also to families all over the Chicago area. It's campground is one of the busiest in the state park system, it has wonderful hiking trails, and fishing and hunting are very popular.

Yet some in the Illinois legislature want to give it away, to the Prairie Band Potawatomi.

### The Giveaway Theory

The theory behind this giveaway is that the 1829 Treaty of Prairie du Chien created a reservation for Chief Shab-eh-nay, for whom the park and town are named, and that after Shab-eh-nay departed for Kansas in 1849, the Federal government illegally stole his land. Shab-eh-nay returned in 1853 to find his land occupied.

Yet neither of these things happened: there was no reservation, and no theft. This is what the Federal records clearly show, and it certainly appears to be the case that's what Shab-eh-nay understood also. These reservation and theft claims seem to be a myth that arose in the mid-20th century.

The 1829 Treaty of Prairie du Chien granted Shab-eh-nay and his band the "use" of two square miles of land; this "for the use of" language was universally understood by those in the Federal government as not granting permanent reservation status, or in fact permanent title of any kind. In particular, usage rights (or "usufructory" rights to use the popular nineteenth-century language) did not need to be officially repealed by Congress, and would disappear if the people using the land migrated elsewhere.

Furthermore, the evidence is incontrovertible that Shab-eh-nay signed (with an X, but there were many witnesses) a deed selling his land, to the Gates brothers. The deed was presented to the Commissioner of Indian Affairs William Medill, who rejected it because lands with native-American usage rights could not be sold (nor could reservation lands be sold). Medill, in other words, administratively "stole" the land, not from Shab-eh-nay, but from Ansel and Orrin Gates.

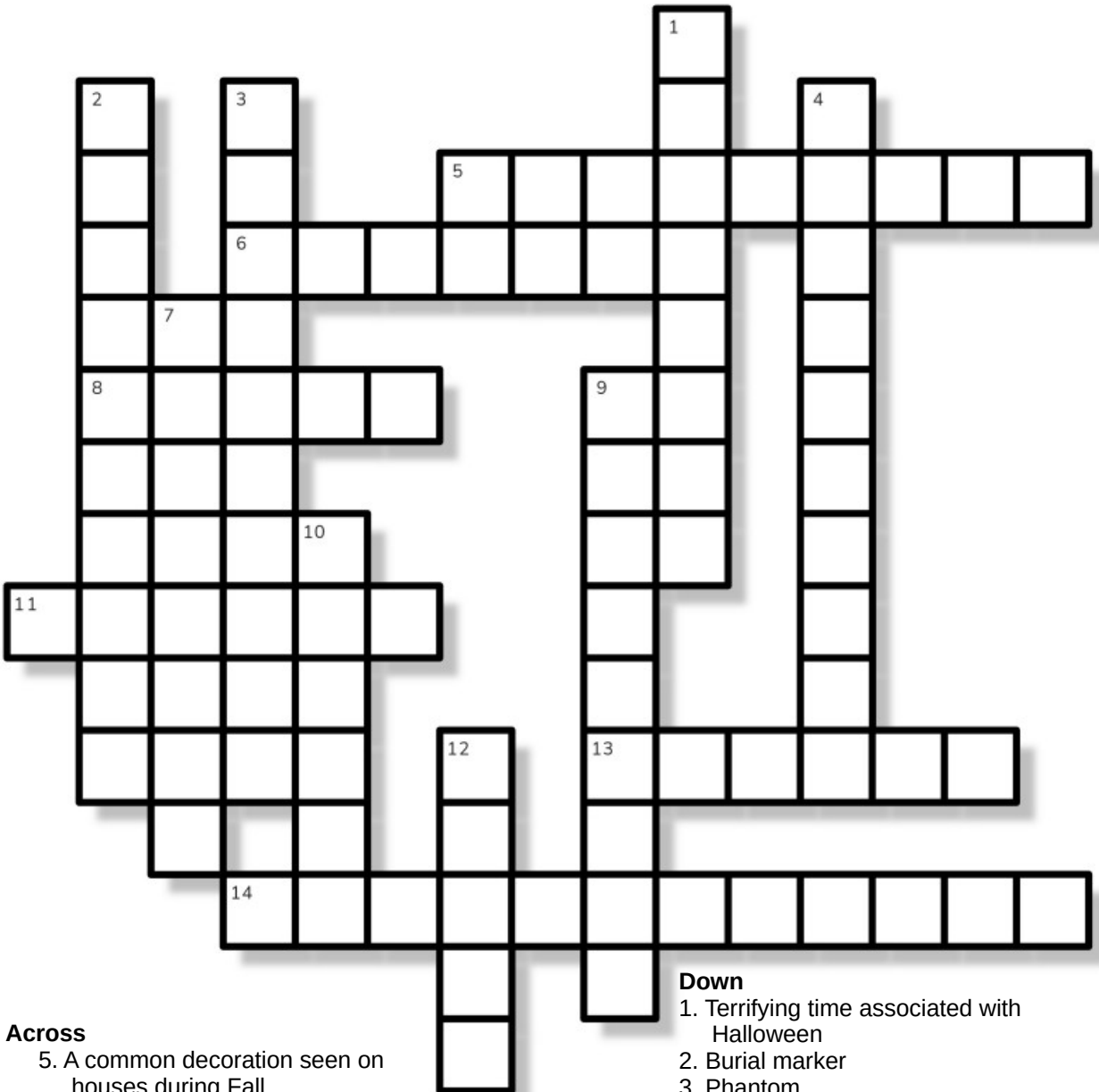
Finally, Medill did not simply tear up the deeds. He interpreted them to mean that Shab-eh-nay intended to abandon the land he was using, and thus that full ownership reverted to the United States. The abandonment determination had nothing to do with Shab-eh-nay's four-year sojourn to Kansas; it was entirely about Shab-eh-nay's intent to sell.

Shab-eh-nay had reason, though, to believe he would be allowed to sell the land: he was promised that right in the 1833 Treaty of Chicago. Article V of that treaty, as negotiated, granted him personal "fee-simple" title, meaning the land would become his personal property. But when the US Senate approved the treaty, they deleted that provision. That's a bit fishy; the Senate is supposed to approve treaties, not modify them. But since the rest of the treaty deals with the Potawatomi, Chippewa and Ottawa ceding five million acres in Illinois in exchange for five million acres in the Kansas Territory, it appears the Senate thought that deleting Shab-eh-nay's ownership provision was small potatoes, and dispensable. Sadly, it is clear that Shab-eh-nay was never told. He was present at the official reading of the treaty, but it was read only in English, which he did not really speak.

If the United States violated the negotiated terms of the Treaty of Chicago, does that give the Prairie Band a claim? Not to the land, anyway.

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# Shabbona Express



## Across

5. A common decoration seen on houses during Fall
6. A type of squash or gourd common in Fall
8. Mysterious, strange, or unexpected as to send a chill up the spine
11. Magical liquid brew
13. Evil witch's laughter
14. Popular Halloween tradition

## Down

1. Terrifying time associated with Halloween
2. Burial marker
3. Phantom
4. A mode of transportation for witches
7. Final resting place for the dead
9. A figure made to frighten birds away
10. Halloween movie theme
12. Part of a magical phrase often used during Halloween, starts with 'h'

# Shabbona Express



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## Shabbona Lake

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If we were to retroactively try to honor those treaty terms, that would mean giving the land back to the Gates Brothers, who bought the land, and honoring Shab-eh-nay's sale. It might also mean awarding the Prairie Band the part of the proceeds of Shab-eh-nay's land sales that he claimed not to have received. But we have no idea exactly how much that would be. And it is hard to see any reading of the treaty that would justify returning the land.

Treaties are supposed to be interpreted as the tribes understood them. But in asking for the land to be transferred to him as personal property, Shab-eh-nay was clearly demonstrating that he understood a great deal about property rights, and that he knew what he wanted. Both he and his band clearly believed that the Treaty of Chicago had been approved as negotiated, and that it still contained the provision converting the land to Shab-eh-nay's personal property.

### The Documents

The language of the 1829 Treaty of Prairie du Chien used then-common language that the land was to be "reserved for the use" of Shab-eh-nay and his band. An Attorney General opinion from 1832 makes it quite clear that this meant that the land represented a "hole" in the much larger acreage being ceded by the tribes involved, and would retain so-called "Indian title" rather than the "treaty-declared title" that would make it a reservation. The difference is that tribal abandonment of land held in "Indian title" meant the title was extinguished; only treaty-declared title was permanent. The Prairie Band is quite correct in their claim that Congress has to explicitly pass a law revoking treaty-declared title, but Shab-eh-nay's was never that. In fact, a committee of Congress reviewed the situation in 1856 and came to the conclusion no action was needed:

The committee on Indian Affairs, to whom was referred the petition of George Wells and others; the petition of John Arman and others; and the petition of R. K. Swift and others; in behalf of the Indian chief Shab-eh-nay, respectfully report:

That they have had the same under consideration, and have come to the conclusion that the prayer of the petitioners ought not to be granted. For the reasons that have influenced your committee to come to this conclusion they refer to the annexed letter from the Commissioner of Indian Affairs

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# Shabbona Express

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Those reasons referred to were explained in the attached letter from Commissioner George Manypenny:

Shab-eh-nay emigrated with his tribe west of the Mississippi, to lands provided for them by the government, having disposed of his interest in the reserve to Messrs. Ansel A Gates and Orrin Gates.... On the 6th of May, 1848, the deeds to Messrs. Gates were submitted to this office by the Hon. John Wentworth, of Chicago, with the request that the same should be presented to the President for his approval; and upon application, it was decided by the Commissioner of Indian Affairs, Hon. Wm. Medill, that the treaty gave no authority to the reserver to sell the land. It was reserved for the use of himself and his band only; that when the parties for whose use it was reserved left it, it was competent for the United States to sell it, as other land ceded by that treaty....

William Medill had been Indian Commissioner in 1848, and made the initial determination. Manypenny's letter does suggest Shab-eh-nay's 1849 departure for Kansas was intended to be permanent; while that might not have been Shab-eh-nay's intent, the fact remains that he signed those deeds. It would be very odd indeed to claim that Congress somehow missed revoking the "reservation", when in fact they had determined in 1856 that they had no need to do so.

As the documents above also indicate, once Shab-eh-nay left his land, the Indian title was lost, and the United States could sell it.

When Shab-eh-nay returned in 1853, he was bereft to discover his former home was now occupied by settlers, who would not let him stay. The following year he filed an appeal with the Office of Indian Affairs, through the law firm of Paddock and Ward. The letter Paddock wrote states

Shab-eh-nay is here, says he authorized the sale by the Government — but has never received anything — he is a worthy man, is in want, has a large family to support and is therefore anxious that his application should be attended to as soon as possible

This letter is absolutely remarkable for what it does not say: there is no claim whatever that the land was stolen. The wording is a bit peculiar, as clearly Shab-eh-nay didn't directly "authorize the sale by the government", but the only sensible interpretation is that he and his lawyers realized that Shab-eh-nay's sale had in fact led directly to the government sale.

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# Shabbona Express



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# Shabbona Express

## Shabbona Lake

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Shab-eh-nay had by 1854 been working with lawyers for ten years, filing trespassing claims against settlers; he knew very well how to communicate with lawyers. It is inconceivable that this letter would have been written this way if Shab-eh-nay had come to Paddock and Ward with a story of stolen land and an unauthorized Federal sale.

### **Why Did Shab-eh-nay Return?**

Why, you might ask, would Shab-eh-nay have sold his land if he intended to return to Illinois? Or, to put it another way, why did he return if he sold the land? There are two theories. The bulk of Shab-eh-nay's band left Illinois in 1837, believing, like Shab-eh-nay, that the 1833 Treaty of Chicago made the land Shab-eh-nay's personal property, and ending their usage rights. At that point, Shab-eh-nay would no longer have needed 1280 acres to support just his immediate family.

Historian James Dowd suggests that Shab-eh-nay had a verbal agreement with the Gates brothers to continue to use the 100 acres or so where his cabin stood. If so, that clearly should have been written into the deed, but such things happen. But as the deed was declared invalid, so too would be this usage concession. We have no proof, one way or the other, whether this happened.

The other theory is that Shab-eh-nay had not originally intended to return, but found that he still had enemies in Kansas. In his 1878 book *Memories of Shaubena*, Nehemiah Matson recounts troubles Shab-eh-nay had on earlier trips. In 1837, while accompanying his band to Kansas, Shab-eh-nay and his family were attacked by Neopope, an ally of the Sauk leader Black Hawk. Neopope, Black Hawk and quite a few other tribal leaders bore a grudge against Shab-eh-nay for his assistance to the Illinois settlers, and for his advocacy of peaceful retreat from Illinois rather than continued confrontation. Shab-eh-nay's son Pypegee and nephew Pyps were killed in the 1837 attack, and Shab-eh-nay fled back to Illinois. It is quite possible that, while in Kansas, Shab-eh-nay discovered that it would not be possible for him to continue to live there, and so returned to his old home in Illinois because he simply had nowhere else to go.

### **Shabbona Park and Illinois Families**

If you walk through the campground in summer, even in mid-week, you will see lots of families having a local vacation. It's a very popular destination, especially for families whose vacation budget is limited. It is a wonderful place to bring kids. It's a much easier place to get a camping reservation than Starved Rock.

These families are the ones who will lose out if the park is given away.

### **It Won't Stay A Park**

The Illinois bill giving the park away has some language on how the State of Illinois will continue to maintain the park, so long as the Prairie Band keeps it open for public use. In the short term this is promising, but in the long term it is meaningless. The Prairie Band will not continue to sit on their land indefinitely; to own land is to own the right to develop it. Sooner or later, they will start that development. And, at that point, they will in effect kick Illinoisans out and lock the gates.

Perhaps isolated parts of the park will continue to be maintained as a park, if only to charm the casino visitors. But parks don't make money, and the Prairie Band is not going to sit on the land, losing potential revenue, indefinitely, just for the benefit of the people of Illinois.

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## Shabbona Lake

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### Local Development

There are some who claim that turning the park back over to the Potawatomi will bring greater development to the area. Sadly, that will almost certainly be true, but none of that development is likely to come to the Village. The Prairie Band will be free to develop the park, as their private property, as they see fit. They have in the past expressed interest in creating a casino/hotel complex, for example. If they do that, then everything their guests need would likely be created within the park, including shopping, restaurant and gas stations. Most visitors would have no need to find their way to amenities outside the park. If they did, they would likely be put off by higher prices. At most casino complexes, some gambling revenue is used to subsidize hotel rates and meal costs, in order to get visitors to stay longer and gamble more. Food and lodging outside the park would benefit from none of that. And on top of subsidies, inside the park -- inside the Potawatomi Nation -- everything would be exempt from Illinois taxes: sales taxes, fuel taxes, tobacco and liquor taxes. The bottom line is that businesses outside the park would have a very difficult time competing with businesses inside.

In addition to a casino complex, the tribe could also sell lakefront lots, or condominiums. Typically in such developments, essential shopping facilities are included. Residents of Shabbona would be much more likely to drive into the park to shop than any traffic in the reverse direction. Today, some park visitors do spend at least some money in town, but it is hard to see how that would continue, with newer, cheaper stores available in the park. And for every future reservation resident who came to Shabbona to shop, there might be a dozen Shabbona residents who would go into the reservation to shop.

### Conclusions

Shabbona Lake State Park belongs to the people of Illinois, and we need to keep it that way. Parks should never be given away. Shab-eh-nay used to live here, yes, but the Prairie Band's modern-day claim to the land simply does not stand up to historical scrutiny. Let's hang on to our park!

Peter Dordal  
DeKalb County Taxpayers Against the Casino



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# Shabbona Express

The Committee to Save Shabbona Library is seeking funding to help pay for the legal fees associated with a referendum to expand the Flewellin Memorial Library's taxing district to include all of the Shabbona Township, not just the Village of Shabbona.

## **Strong libraries build strong communities.**

Rural libraries serves as a hub for learning, cultural enrichment, support services, and personal growth for people of all ages.



For more information and to donate please visit  
<https://donorbox.org/save-shabbona-library>