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# ***SMUGGLING ALONG THE GULF COAST OF FLORIDA DURING RECONSTRUCTION***

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*Text of paper delivered at annual meeting of Tampa Historical Society in November, 1978, by Dr. Jerrell Shofner, Chairman, Department of History, University of Central Florida, Orlando.*

During the 1860s the United States government enacted an extensive array of taxes which remained on the books for years after the Civil War ended. Included among them were import duties on foreign cigars and liquor. Because of extensive trade and transportation ties between Cuba and Florida's west coast communities, there was abundant opportunity for enterprising individuals to earn a few extra dollars by smuggling in varying quantities of both liquor and cigars from the Caribbean island. From Florida ports the contraband could be reshipped to interior cities where it could be resold on the black market. Steamers and schooners carried large numbers of cattle from Tampa, Punta Rassa, and Manatee for sale in Cuba. Other schooners were transporting lumber from Cedar Keys to Tampa to the same destination. Fishermen from the Tampa Bay area also sold their catches there. And the New Orleans, Florida, and Havana Steamship Company-Florida Mail Line-made regularly scheduled trips stopping at all points along the Florida coast.

Treasury department efforts to stop what is considered a raid on the national treasury caused secret agents to be sent to Florida to assist the regular customs officials and gather information leading to convictions of violators. Apparently the combined efforts of the regular customs force and the secret agents were unsuccessful in stopping the smuggling, but both groups did their best, and-perhaps

more important in the long run-in reporting their activities, furnished some excellent accounts of life around Tampa Bay and along the Gulf Coast during the turbulent years of post-Civil War Reconstruction.

## **St. Marks Fades**

Key West and St. Marks were the headquarters of respective customs districts, but their significance differed vastly insofar as surface transportation was concerned. Following the Civil War, St. Marks ceased to be an important seaport; during the eighteen months between July 1873 and December 1874, for example, only about a dozen vessels stopped there. Key West, on the other hand, was a bustling place. Vessels from anywhere in the world could stop at the customs station there, having their cargoes inspected and sealed, and then sail anywhere on the Gulf Coast without further interference from customs officials. Additionally, the island town was served by the Clyde and Mallory steamship lines, both of which sailed on schedule between the Atlantic seaports and the Gulf ports as far west as Galveston. The Florida Mail Line vessels also stopped at Key West. Cattle boats such as the Governor Marvin, Southern Star, the Emily, and the Bell sailing from Punta Rassa, Manatee, and Tampa did not stop at Key West, but were supposed to be handled by the customs officials at the mainland ports. Sometimes that was more theoretical than practical.



#### **SHOFNER GUEST OF TAMPA HISTORICAL SOCIETY**

Leslie McClain, left, incoming president of Tampa Historical Society, chats with outgoing president Dr. Glenn Westfall, center, and guest speaker Dr. Jerrell Shofner at the society's annual banquet at Palma Ceia Golf & Country Club in November, 1978.

- TAMPA TIMES Photo by Bill Serne

In some cases avoidance of the import taxes was more a question of convenience than a desire to cheat the government. In 1866, Agent J. D. Weed wrote the Secretary of the Treasury about the problem. There were three sawmills at Tampa Bay sawing about 45,000 feet per week, six mills on the Withlacooche River, seven on the Suwannee, and seventeen at Cedar Keys sawing about a half million feet per week, all of which was going to the Caribbean islands or to Mexico. He knew of fifty vessels which were then loaded with lumber and on their way to foreign ports. Each

of these typically returned with from \$500 to \$3,000 worth of goods. They were usually willing to pay the duty at the place where they arrived, but they did not want to go all the way to St. Marks to do it. Unfortunately, the government was unable to place personnel at each of the tiny ports from which they operated. Weed also noted that, while it was unlawful for vessels of less than thirty tons to carry foreign goods, several were doing so. They were catching fish along the Florida coast and taking their cargoes to Cuba for sale. They also brought back taxable goods. "If they should be driven into smuggling," Weed



There was a stagecoach which carried the mail through the interior by way of Brooksville to the railroad station at Gainesville. The Tampa Board of Trade was already organized and advocating better mail facilities for the city by 1870, but the collector was suspicious that smuggled goods were being transported over that route to the railroad station from whence it could be reshipped either to Fernandina or into Georgia .<sup>6</sup>

### **Tampa in 1875**

An 1875 visitor described Tampa as possessing two hotels, several boarding-houses, churches, stores, barracks, and communications with the outside world by stage coaches and mail steamers. Its population was estimated at about 600, chiefly engaged in the cattle trade, with the export of both cattle and hogs to Cuba being profitable businesses.<sup>7</sup> With singular lack of foresight, one of the treasury agents about the same time declared emphatically that

I am prepared to state that the means of transportation to and from Tampa are so limited and uncertain that people are leaving there and going to other places. And from the fact that there is no business, or any other inducements to bring transportation there, most undoubtedly there will be no more, at least, not enough worth naming for many years to come .... it seems to me that of necessity, that port must continue<sup>8</sup> to go backwards for years to come.

Earlier J. D. Weed had recommended that the customs office at Tampa be abolished entirely and an inspector be stationed at Egmont Key from which point he could "keep watch over all vehicles entering the bay."<sup>9</sup>

### **Cattle For Cuba**

At Manatee, forty miles from Tampa, there was no collector, despite the fact that steamers frequently loaded cattle there for shipment to Cuba. Agent John C. Dutch, noting that 800 families had moved to the Manatee area in early 1867 and that the cattle trade was increasing, saw "urgent necessity of an increased force of customs officials to prevent smuggling." He recommended the purchase of two sailboats and sufficient personnel to permit them to patrol the many inlets along the coast near Tampa Bay.<sup>10</sup>

Punta Rassa was not a town at all, but only a station of the International Ocean Telegraph Company which ran from Cuba up the Florida peninsula. There was an 800 foot cattle wharf built by Jacob Summerlin, Frank Hendry, and others engaged in the Cuban cattle trade from that point. Near the wharf were large pens for holding the cattle, and on the water end of the pier was a house where the stockmen and drovers stayed when at the point waiting to load."<sup>11</sup> A visitor in the 1870s commented that "the mosquitoes are so thick you can't camp out. Even cattle and horses have trouble."<sup>12</sup> The Key West customs office reported that between July 1871 and July 1872 eighteen vessels, totalling 2,901 tons, with combined crews of 183 men, carried 18,349 head of cattle valued at \$301,846 from Punta Rassa to Cuba. He lamented that an inspector was sorely needed there since the person stationed at Charlotte Harbor was never able to visit the point.<sup>13</sup>

### **Outwitting The Agents**

As the place least often visited by customs officials, Punta Rassa offered the greatest opportunity for uninterrupted smuggling, while Cedar Keys had perhaps the most systematic procedure for outwitting the customs personnel, but no port on the Gulf

was beyond the suspicion of the watchful treasury agents. Even Key West had its peculiar problems. In addition to suspected collusion between ship crewmen and customs officials who had authority to inspect and bond vessels, there were also unusual ways by which the duties were sometimes evaded. Frank Wicker complained of a French woman who debarked at the island city with 11 many pieces of fine lace sewed into her clothing and did not declare it." Deputy Collector J. C. Walton, a Catholic, apprehended her, but when he saw her beads "he broke right down. Her baggage was approved and sealed by F. W. Morena, one of the wealthiest and most influential Catholics here. It would seem that justice was thwarted by Catholicism.... It is this clique that causes trouble."<sup>14</sup>

The smuggling problem first came to the attention of customs officials in 1866 when a report was received that thirty-five vessels, formerly engaged in the Confederate blockade-running business, were outfitting for smuggling. They were ostensibly preparing to kidnap Negroes from the Gulf Coast and transport them to Cuba for resale into slavery, and then bring back cigars and liquor for sale in the United States.<sup>15</sup> Secret agents began to be assigned in small numbers to the Gulf Coast at that time. One of the more active of them was J. Harry Jenks who apprehended Archibald McNeil, master of the Southern Star, a cattle boat, who was trying to avoid customs duties by declaring large quantities of gin and wine as part of the ships stores.<sup>16</sup> Within a few months he had also seized the Margaret Ann and Seadrift whose captains were allegedly smuggling. He was also watching for the opportunity to capture the schooner Bell, a cattle boat operating out of Tampa, and the schooners Science and F. W. Waller, both of which were fishing vessels out of Tampa Bay.<sup>17</sup>

### **Pursuing 'Mr. Madge'**

Jenks' major target, however, was a mysterious "Mr. Madge" who was reputed to be smuggling large quantities of untaxed cigars. In 1868 Jenks asked to be relieved of an assignment a St. Marks and be detailed as a secret agent to pursue "Mr. Madge." The reassignment was granted, but Jenks was never able to apprehend the enigmatic smuggler. His investigation was interrupted when he was stabbed and severely wounded by unknown assailants at Cedar Keys in late 1968.<sup>18</sup>

Attention turned to Tampa when Jenks reported a new cattle corporation being formed in Tampa by John Henderson. He and nine partners had allegedly collected 10,000 head of cattle which they were planning to carry to Cuba and exchange for goods to be smuggled into the United States. One of the partners was John McKay, part owner of the Governor Marvin, whose appointment as customs collector at Tampa had recently enraged some of the local Republican leaders. Endorsed by Republican United States Senator Thomas W. Osborn, McKay had been appointed without the approval of local partisans. The Hillsborough Republican Executive Committee was soon filling the mails with testimony that he was a former Confederate who had publicly opposed the Fourteenth and Fifteenth amendments. Key West Customs Collector Frank Wicker, who handled much of the Republican patronage in South Florida, reported his belief that McKay was above suspicion, explaining that the local Republicans were miffed because their recommendations had been ignored in favor of McKay. He applauded the Tampa native's excellent administration of the customs office, but still recommended that he be replaced to pacify the local people. Without any evidence ever being produced against him, McKay was

shortly removed from the position by the Grant administration.<sup>19</sup>

### **Tampa's McKay Watched**

Treasury Agent A. C. Leib was convinced that McKay and most members of his large and highly respected family were engaged in smuggling at Tampa. For months he attempted to gather evidence against them. He and Jenks identified one John Machardo in Havana who was allegedly a "smugglers' broker." By watching him they hoped to follow contraband goods from Cuba and intercept them at the Florida ports. This tactic was to be McKay's undoing. Hot on the trail in 1868, Leib overlooked the fact that a McKay ran the Tampa telegraph office. He reported disgustedly, "The telegraph beat me on the matter of the Governor Marvin, but I will get affidavits. I shall get evidence on the McKays, showing their connection with the smuggling since the close of the war." So far as the record shows, he never did.<sup>20</sup>

In mid-summer 1869 a much wiser Leib reported laconically, "Yellow fever raging at Key West. Quarantines up all along the coast. It is better at stopping smuggling than I am."<sup>21</sup>

### **Tough For Agents**

Even when they captured the goods the agents encountered difficulties. When the Cedar Keys customs officials confiscated seven cases of liquor from the Havana steamer in 1872, W. N. Marks, owner of the line, complained that the merchandise should be returned since it belonged to the Bornio brothers, large shareholders in the firm, and loss of their tax-free liquor would irritate them. The liquor was not returned.<sup>22</sup>

Agent M. H. Hale gathered sufficient evidence at Cedar Keys to convict Albert E. Willard of smuggling. He also had enough evidence to go

to court against Lewis Roux, the freight agent for David Yulee's Florida Railroad at Cedar Keys. But, it was an endless task. A few days after these successes, Frank Wicker complained that "the last trip of the S. S. Havana carried more cigars than were taken by any steamer on the line on any previous trip . . ." <sup>23</sup>Hale reported that Customs Agent Starkweather and his assistant were doing their best at Cedar Keys but that sometimes vessels remained at the port for two days on account of low water. When that happened it was difficult to keep an agent on board at all times, because quite often a second steamer would arrive in the channel before the last one left. When that happened, he said, they "are visited by boats from the shores and (this) makes matters very difficult." Another serious problem was that the owner of the New Orleans, Florida and Havana line "winks as if he is not himself involved in this unlawful traffic."<sup>24</sup>

### **Action In Pensacola**

Agent T. Pearson reported in late 1872 that "smuggling goes on at Pensacola just as at every other Gulf port. Things are hidden in small packages about the ship, in water tanks, under the ballast, etc." Agent Park affirmed that the same was true of Apalachicola. But Pearson added a caution which could probably be applied to all of the reports from these self-interested federal agents. He wrote, "But do not believe all the reports of such, for many are made by officeseekers, thinking this will give them an appointment."<sup>25</sup>

Some of those who engaged in smuggling had a higher regard for the customs officials than those people had of themselves. W. H., Heiss wrote Edward M. L'Engle that "it is not safe to send Cuban cigars via Cedar Keys as ... the Customs House folks at that place are 'shure shots."<sup>26</sup> That was a sometime thing, however, for in 1875 Agent Pearson accused Cedar

Keys Customs Collector Isadore Blumenthal of collaborating with the smugglers at that port.<sup>27</sup>

### **Not Serious Infraction**

Despite the efforts of these exuberant treasury agents, smuggling of untaxed liquor and cigars continued for years after the end of the war. It was in violation of a law which Gulf Coast dwellers did not respect, enacted by a government with which they had recently fought a war and lost. Many of the ship crews-sometimes aboard the same vessels-had become experienced in running the federal blockade during the war and saw little difference in what they were doing after 1865. The opportunity to make a few extra dollars by smuggling on their return trips from Cuba was not regarded as a serious infraction by those engaged in it, or even by most of their neighbors. In such a situation the law was exceedingly difficult to enforce. As Agent Leib said, yellow fever, which could stop all vessel movement, was much better at preventing smuggling because it stopped all trade.

The petty smuggling along the Gulf Coast gradually subsided in the later years of the nineteenth century as Floridians recovered from the devastation and adversity of the Civil War and its aftermath. Meanwhile, the zealous treasury agents, in attempting to justify their positions and impress their superiors, wrote voluminous reports which incidentally gave us excellent insights into life along the Gulf Coast during a period for which other records are exceedingly scarce.



## NOTES

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<sup>1</sup> T. D. Weed to Hugh McCulloch, April 17, 1866, Records of the Treasury Department, Microfilm 97H, P. K. Yonge Library of Florida History, Gainesville, Florida.

<sup>2</sup> Agent Parks to Henry Johnson, August 11, 1874, Box 358, Special Agents Reports, Records of the Treasury Department, Record Group 36, National Archives.

<sup>3</sup> Parks to M. H. Hale, April 4, 1872, *ibid.*

<sup>4</sup> *ibid.*

<sup>5</sup> Frank N. Wicker to George S. Boutwell, October 25, 1870, Box 423, Special Agents Reports, RG 36, NA.

<sup>6</sup> Tampa Florida Peninsular, February 5, 1873.

<sup>7</sup> Frederick Tench Townshend, *Wild Life in Florida* (London, 1875), p. 47.

<sup>8</sup> T. Pearson to H. S. Johnson, May 3, 1875, Box 361, Special Agents Reports, RG 36, NA.

<sup>9</sup> J. D. Weed to Hugh McCulloch, September 22, 1866, Microfilm 97H.

<sup>10</sup> John C. Dutch to Customs Bureau, September 19, 1867, *ibid.*

<sup>11</sup> George H. Dacy, *Four Centuries of Florida Ranching* (St. Louis, 1940), p. 57.

<sup>12</sup> Townshend, *Wild Life in Florida*, pp. 1943-46.

<sup>13</sup> Wicker to Boutwell, August 8, 1872, Microfilm 97H.

<sup>14</sup> Wicker to Boutwell, July 13, 1872, Box 423, Special Agents Reports, RG 36, NA

<sup>15</sup> Tallahassee Semi-Weekly Floridian, March 23, 1866.

<sup>16</sup> J. H. Jenks to N. Sargent, July 21, 1867, Box 280, Special Agents Reports, RG 36, NA.

<sup>17</sup> Jenks to Sargent, July 10, 1868, Microfilm 97H.

<sup>18</sup> Jenks to Sargent, October 11, 1868, Box 280, Special Agents Reports, RG 36, N

<sup>19</sup> Wicker to Boutwell, November 15, 1871, January 24, 1872, Box 423, *ibid.*

<sup>20</sup> A. C. Leib to N. Sargent, March 14, 1868, Box 298, *ibid.*; Jenks to Sargent, October 6, 1868, Microfilm 97H.

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<sup>21</sup> Leib to Boutwell, July 20, 1869, Box 298, Special Agents Reports, RG 36, NA.

<sup>22</sup> Frank N. Wicker Report, October 11, 1872, Box 423, *ibid.*

<sup>23</sup> Hale to Boutwell, September 28, 1872; Wicker Report, October 11, 1872, Box 423, *ibid.*

<sup>24</sup> Hale to Boutwell, September 28, 1872, Box 423, *ibid.*

<sup>25</sup> T. Pearson to Secretary of the Treasury, October 4, 1872, Box 360; Park to Bluford Wilson, April 28, 1876, Box 358, *ibid.*

<sup>26</sup> W. H. Heiss to Edward M. L'Engle, February 8, 1873, Edward M. L'Engle Papers, Southern Collection, University of North Carolina at Chapel Hill.

<sup>27</sup> T. Pearson Report, November 13, 1872, Box 362, Special Agent Reports, RG 36, NA.