

## Island Outlaws

*Luann Yetter*

### A Haven for Rogues

Mount Desert Island has always had a reputation for smuggling. In the eighteenth century, pirate frigates are said to have ghosted along the shoreline seeking caves in which to hide treasure. In the nineteenth century, mysterious vessels slid in and out of harbors while their crews preyed upon rich rusticators in the dark of night, making off with stolen jewelry. In the Roaring Twenties kingpins of the illegal liquor trade boldly lived out in the open, making Bar Harbor their year-round base and sending their drivers to meet rum-running speedboats at ever-changing locations in the myriad unpopulated coves of the Island's perimeter.

But at least the early smugglers of Mount Desert Island seem to have been more the stuff of legend than of fact. As local historian E.H. Dodge wryly observed in 1871, "Some of the inhabitants still cling to the opinion that money lies buried over the island somewhere, especially along the shore, and that diligent search might unfold it."<sup>1</sup> A few years later, as the Island was developing a reputation as a summer resort, the *New York Times* noted that "when the gray-haired tourist of today was a youngster . . . Southwest Harbor was the home of a few fishermen and smugglers, about whose occupations clung the aroma of romance and the less fragrant odor of nets and lines."<sup>2</sup> Sometimes the locals themselves found fun in encouraging belief in the Island's allegedly shady past. Methodist minister and storyteller O.H. Fernald playfully embellished local folklore in his newspaper column, telling colorful tales of pirates like Captain Kidd hiding gold and Captain Le Blon concealing smuggled tea. "There exists a remarkable grotto or cave on Mount Desert Island which has figured in the history of its people for the last two hundred and fifty years," wrote Fernald. The hidden cave had been frequented, he claimed, by the "daring freebooter who was seeking some place in which to deposit his ill-gotten gains."<sup>3</sup>

Pirates may not have buried treasure on the Island, but in 1892 they made off with a haul of silver and jewels, reputedly in a "black schooner yacht." The theft took place when the Eastern Yacht Club from Marblehead, Massachusetts was at anchor in Bar Harbor "and a gala time was in progress."<sup>4</sup> The black yacht was one of many sailing vessels in the harbor, and everyone assumed it belonged to someone in the club since,

as the *Boston Evening Transcript* later reported, “it obeyed all the squadron signals and conducted itself in other ways as a part of the fleet.”<sup>5</sup>

The morning after the gala the Vanderbilt family awoke at their cottage, “Pointe d’ Acadie,” to discover that they had been burgled. Several pieces of silver-plated cutlery were missing together with about \$500 in cash and many items of gold and diamond jewelry—\$20,000 worth of property in all. Tracks were found leading from a window of the Vanderbilt cottage to the shore. The evidence indicated that the burglars had made off with their loot by water and, upon further investigation, it was discovered that the mysterious black yacht had disappeared. “She was at anchor when the sun went down,” the paper reported, “but in the morning she had departed. No one knew where.” When the police made inquiries regarding the vessel they learned that “no one connected with the squadron knew her, although she arrived with them apparently, and was a part of the fleet to all intents and purposes.” George Vanderbilt called in the famous Pinkerton detective agency, which agreed that the black yacht was the prime suspect and set out to track down the “pirate craft.”<sup>6</sup>

As the summer progressed, however, suspicion grew that perhaps the thieves were still in Bar Harbor. More robberies occurred. The Banks family was burgled at “Chatwold,” and here the thieves were more particular, breaking some pieces of silverware in two and leaving them



Point D' Acadie Bar Harbor, Maine

“Pointe d’Acadie,” summer cottage belonging to the Vanderbilt family and site of a notorious robbery in 1892. *Courtesy of the Jesup Memorial Library*

behind when they discovered it was plated, “having probably found the Vanderbilt stock heavy on their hands,” as a *New York Times* correspondent surmised.<sup>7</sup> “Probably not one cottager in one hundred brings solid silver to Bar Harbor,” scoffed another writer,<sup>8</sup> as if belittling the robbers for being foolish enough to think the Vanderbilt silver had been the real thing. At “Chatwold” as at “Pointe d’Acadie,” the culprits got away with the loot, and the theory grew that perhaps they would continue to smuggle their swag off MDI and then return to Bar Harbor for as long as the taking was good.<sup>9</sup>

The Pinkerton Agency stayed on the case, but the stolen goods were never recovered. The lovely Tiffany brooches described in the agency’s long list of stolen property—a spray of diamonds in a lily-of-the-valley design, a pansy design set with diamonds and moonstones, each of them inscribed “To Mother” from a family member<sup>10</sup>—would be easy to identify even today from the detailed descriptions. But evidently they have disappeared for good, their jewels probably taken from the settings, the engravings erased.

Eventually, the Pinkerton detectives did manage to identify a couple of suspects who were located in Milwaukee the following summer and arrested for burglary. When it was discovered that the two men had been in Bar Harbor the preceding year, the detectives sent photos of the suspects to the police in Bar Harbor. A couple of locals were sure that they had seen them in town the preceding summer, including barber Bion Whitney. Whitney recalled that one of the men in the photo “came into the barber shop the first day looking like a tramp. His clothes were seedy and he had a two-week growth of beard on his face. A day or two after he came in and was dressed in a striped tennis suit and looked like any summer visitor.”<sup>11</sup> The goods smuggled out of Bar Harbor and sold for cash, the cash used to buy proper summer resort attire, the “pirates” back on the Island to enjoy the scenery and scout their next haul? Perhaps. But even the great Pinkerton Detective Agency could not amass the evidence needed to convict the Milwaukee men of the Bar Harbor robberies.

### **Ring Leader of the Rumrunners**

While the occasional haul of stolen goods was smuggled off MDI, a far greater quantity of contraband has been smuggled onto the Island throughout the years, most of it in the form of intoxicating beverages. Led by Portland mayor and temperance advocate Neal Dow, the State of Maine had made the sale of alcohol illegal nearly seventy years before national prohibition. “An Act for the Suppression of Drinking-Houses and Tippling-Shops,” better known as “The Maine Law,” had criminalized the

manufacture as well as the sale of alcoholic beverages beginning in 1851. As a consequence, for several decades anyone who brought liquor into the state for the purpose of resale had to smuggle it in. Often the best way to do this was by water, and so the rumrunners frequented the Maine coast. MDI, with its many close-by islands, harbors, and coves, as well as its many thirsty summer visitors, was especially popular with smugglers of liquor. Enter Daniel Herlihy.

In the 1890s the Herlihy family migrated from Bangor to Bar Harbor and gave a new boost to the smuggling trade. Brothers Patrick and Daniel, along with brother-in-law John Coney and cohort Patrick Ford, were frequently in trouble with the law, slapped with fines for selling liquor or getting themselves off the hook on technicalities. Coney owned a restaurant on West Street that was the scene of many showdowns between enforcers and outlaws. In the winter of 1894 Chief of Police Clark followed up on a rumor that Coney was selling liquor by lottery. The rumor proved to be untrue—the lottery prize was actually a woodstove—but Clark nonetheless seized “a large lot of liquor.” The following week someone broke into the lock-up at the police station and stole it back; the culprit was never found.<sup>12</sup>

A year-and-a-half later, the *Lewiston Evening Journal* reported that “Bar Harbor’s queer liquor war is still raging and daily assuming queer and queerer phases.” The war on liquor seemed to have several factions: there were the enforcers, the well-established upscale hotels, and there were the saloon-keepers. The sale of liquor was prohibited even in saloons (the word referring to large public rooms rather than bars). In the lavishly decorated restaurants catering to Bar Harbor’s upper class, the sale of liquor might have been handled more secretly than in the casual saloons attracting the working class, but in both venues liquor laws were getting broken. The saloon-keepers—the Irish Catholic Herlihys and Coneys among them—felt they were getting unfairly picked on, while at the upscale hotels that also served liquor, the law looked the other way. The *Lewiston* paper reported that not only are “raids made almost every day” but “the saloon-keepers were taking out warrants against the hotels and restaurants.”<sup>13</sup>

With the proprietors of the saloons pointing fingers at the hotel owners, the latter had to be more careful. In the summer of 1895, the newspaper noted that “Everything is done very slyly now. The wealthy patrons order a glass of ‘punch’ and then ‘the waiter slyly creeps out into the interior alley and there carefully guarded by a boy or two in livery, deftly mixes the usual decoction, which is carried back to the dining hall in an unsuspecting looking cream pitcher and swallowed at a gulp.”<sup>14</sup>

When the locals went up against the saloon owners, support for the owners came from unlikely sources. Sometimes the summer people—or at least members of their staff—fell in line with the Herlihy's and Coney's. Local milkman W.E. Peach found this out after he got Coney arrested for serving alcohol to his young nephew. The butler at “Highbrook,” the cottage owned by the DeKoven family, protested the assault on his favorite saloon



From left to right: gin flask, rum bottle, and another antique bottle. *Collection of the Mount Desert Island Historical Society*

owner by refusing to buy milk from Peach. The Vanderbilt butler at “Pointe d’ Acadie” went even further, purposely putting vinegar in Peach’s milk and then claiming it was sour when Peach delivered it. As Peach found out, taking action against John Coney could lead to tough business losses.<sup>15</sup>

Those on staff with the rich and powerful rusticators often aided in the smuggling efforts themselves. Unmarked barrels consigned to employees of well-known summer residents would

arrive by ferry on the wharf, but the contents, often bottled beer, would turn up not at the cottage but at one of the West Street saloons instead. “Bar Harbor is certainly laying herself open to the criticism and ridicule of the whole country by the method of dealing with the liquor traffic here,” wrote Helen M. Smith, Editor and Manager of the *Bar Harbor Record* that summer.<sup>16</sup>

By July of 1895 the streets of Bar Harbor could seem as loud and riotous as those of any town in the Wild West. Much like the sheriff in an old-time western, Constable Bunker made a valiant effort to fight the outlaws, but after sun down, patrons still out and about in the town were not on his side. Bunker and his officers had a mob of some two hundred people strong following them and jeering when they entered Patrick Ford’s restaurant to find that all the lights had been extinguished. When Bunker insisted that the lights be turned on, Ford suggested that if he wanted lights he could turn them on himself. While Bunker and his force searched for the switch, Ford and his patrons had time to hide all traces of alcohol, so that when the lights finally came on, the place was to all appearances a fine, law-abiding restaurant. “The officers made other searches the same night with

like results," the *Bar Harbor Record* reported, "the crowd outside welcoming them . . . with shouts and jeers and in one instance stone throwing."<sup>17</sup>

More drama took place at Coney's saloon on a night in August of 1895 when Constable Bunker made a surprise visit in an attempt to catch Coney illegally selling liquor. Bunker seized a bottle but when he tried to leave with it, Coney and Daniel Herlihy blocked his way. What happened next was a matter of debate in court, but Bunker claimed that Herlihy grabbed the bottle from him and smashed it and when Bunker tried to save what was left in the broken bottle, Coney smashed that, too. Witnesses in the saloon claimed that the bottle simply fell to the floor, but Justice Clark wasn't buying that story and fined the pair \$100 each for resisting an officer.<sup>18</sup>

All through the summer of 1895 the liquor war raged on with the Herlihys, Coneys and Fords confounding the officers of the law, and the officers finding reason to haul them to court where they would simply pay fines before going back to business. Temperance crusaders like Reverend Owen complained that Maine's anti-liquors law, though the toughest in the country, wasn't strict enough, calling it "the best protection for the saloon keeper" and "profitable for the lawyers." Reverend Wyckoff lamented that "Bar Harbor is wedded to the saloon and is now on her honeymoon," but prophesied that "she will soon get an absolute divorce."<sup>19</sup>

Despite Wyckoff's prediction, however, saloons remained a prominent part of the Bar Harbor social scene in the summers, especially for the influx of hired help that arrived with the rusticators. Through the years Daniel Herlihy always seemed to be at the center of it: tried for "illegal selling of intoxicating liquors"<sup>20</sup> or for "keeping a common nuisance;"<sup>21</sup> called out for operating his Woodbine Club past 10 p.m.; praised for fingering the grand hotels for committing the same crimes for which he was accused. After Ford died, Herlihy took over his building and the skirmishes between saloon-keepers and the law continued to entertain the downtown crowds. In 1905, when police raided Herlihy's building, "a large crowd followed them . . . evidently for the fun," the local paper reported. Officers gave the crowd something to jeer about when they seized a basket full of liquor bottles and three slot machines.<sup>22</sup>

Meanwhile, Herlihy's private life held its own drama. His divorce from the lively Belle Higgins, who had accused him of adultery, had caused quite a stir when he was in his twenties. Tongues kept wagging when it appeared that he continued to live at least part of the time with Belle and their son Walker for several years after the scandalous divorce. Then, in the summer of 1913, Herlihy began to spend time with Dr. Ada Bearse. Well known in her

profession and well connected through her Boston family, the lady doctor from Beacon Street seemed an unlikely match for a rake like Herlihy. But in October the news was out that the affluent, independent physician was building a house near her sister, Bethena Graham, on Livingston Road in Bar Harbor. Rumors were now flying, and sure enough, the following June, smuggler Daniel Herlihy, forty-six years old, of an obscure Irish Catholic background, long list of legal infractions, and domestic scandals, married the wealthy, professional, upstanding, and progressive Ada Bearse, then forty-four. Bar Harborites were perplexed as to what these two middle-aged people, so established in their own very different worlds, could possibly have in common—but they seemed to delight in each other's company. More startling, his marriage to the upper class Bearse did not slow Herlihy down one bit in pursuing his questionable activities. Rather than retire to a life of leisure and refinement, Herlihy continued to ply his trade in liquor and nightlife, eventually branching out to boxing and gambling operations.

Herlihy's most serious and scandalous brush with the law came in 1923, ten years after his marriage to Ada, when prohibition had reached national proportions. Since Maine's liquor law had had been on the books for decades, Herlihy and his gang were seasoned smugglers by the time the rest of the country caught up, giving the Bar Harbor Rum Ring an edge over its rivals as America roared into the 1920s. One advantage was that Herlihy's ring already had its network in place, one that included important contacts in Canada and the Caribbean and that could function under the radar. The other advantage was that with the advent of the National Prohibition Act, customers in Massachusetts and beyond were looking for the liquor Herlihy's boys knew how to supply.

Thus Herlihy and the Rum Ring thrived in the early Twenties, unloading their contraband cargo by night on the rocky shores of Mount Desert and outlying islands, storing it in unoccupied summer homes or downtown Bar Harbor businesses, transporting it by automobile to Bangor or Augusta and even further afield, to Boston and Rhode Island. The entire country's liquor trade was now underground, and thanks to his years in the business in tee totaling Maine, Herlihy knew how to run an illicit operation.

Then, in the beginning of 1923, Percival Baxter was inaugurated governor of Maine. "Our sheriffs, county attorneys, local judges, and municipal police, if their hearts are in their work, can drive or imprison the whole brood of liquor offenders," he proclaimed in his first address.<sup>23</sup>

Law enforcement officers were pressured to crack down, and they, in turn, went looking for bootleggers who would talk. Deputy Collector

of Customs Howe D. Higgins found one in a disgruntled employee of Herlihy's who tipped Higgins off to a haul stored in a garage on Bar Harbor's Main Street. With assurances from the new administration that convictions would follow, Higgins obtained a search warrant based on suspicion of a customs violation. Three months after Governor Baxter's vow to crack down on bootleggers, Higgins found in George McKay's garage a stash hidden in a large wooden tank consisting of 52 cases of assorted liquor (570 bottles) and one keg of rum, all apparently smuggled into the country from the Danish West Indies via Barbados. Higgins was just getting started. Later that week he seized an additional 250 cases of high-grade scotch whiskeys, ryes, and gins from the home of J.H. Stalford.

During the same week, in an unrelated trial, the defense attorney asked Deputy Sheriff George Clark if he had been "active" in enforcing the anti-liquor laws. "No I have not, and you know it," answered Clark.<sup>24</sup> But a week later Clark was suddenly taking the offensive himself, traveling across the Island to Manset to seize nearly 600 gallons of genuine Vera Cruz rum at a retail value of \$10,000. A crowd gathered at the Maine Central Wharf to watch Clark and his assistants unload their cargo and haul it by a big two-horse sled to the rum locker at the Bar Harbor police station. The fact that Higgins, from Southwest Harbor, was seizing liquor in Bar Harbor, and Clark, of Bar Harbor, was seizing liquor in Southwest was not lost on the crowd, and the word "retaliation" might have slipped their lips.

More raids followed, but not all were so successful. In April, the following month, Chief Jack of the Federal Prohibition Enforcement Squad received a tip that 400 cases of first class gin and whiskey had been landed on Long Island (known to bootleggers as Treasure Island) by a motor boat coming from a steamer lately arrived from the islands of St. Pierre and Miquelon off the coast of Newfoundland. The raid on Long Island did not go as planned. The rum ring learned in plenty of time that the feds were coming thanks to the thick ice that had to be broken through to get from Mount Desert to Long Island. The smugglers, however, hauled out via a less ice-packed route, taking with them 394 cases of liquor from the haymow of an old barn. By the time the enforcement squad arrived, evening was closing in and all they found were six cases of gin. They were forced to stay overnight in the barn, cold and hungry, before returning to the mainland nearly empty-handed.<sup>25</sup>

The flurry of activity from Maine's formerly relaxed law enforcers resulted in enough evidence to nail Herlihy and three of his high-level associates: George McKay, John Stalford, and Arthur Faulkenstrom, a group labeled by District Attorney Frederick Dyer as "the most powerful rum ring



# 52 CASES OF LIQUOR SEIZED IN BAR HARBOR TODAY

Deputy Collector of Customs Howe D. Higgins  
of Southwest Harbor Makes Big Haul  
from Geo. McKay's Garage  
on Main Street

*Bar Harbor Times, March 21, 1923.*

*Courtesy of the Jesup Memorial Library*

in Maine." Herlihy was sentenced to one year in the Atlanta Penitentiary.<sup>26</sup>

But Governor Baxter was not finished with Hancock County and its renegade ways. He persisted in hunting down law enforcement officers who had looked the other way for years as the illegal liquor trade flourished. In October of 1923, Baxter requested the resignation of Sherriff Ward Wescott of Ellsworth. When Wescott refused, he was ordered to appear before the Governor's Council in November. That appearance drew strong statewide attention and highlighted MDI's firmly entrenched smuggling business. Details long rumored but unconfirmed on the Island now spilled out of local citizens, prohibitionists, and bootleggers alike, as one after another testified before the Governor's Council. Many town leaders, including Judge Charles Pineo, testified that "drunkenness was common and little or nothing was done to stop it. . . . Rum has been sold as freely as bread in Bar Harbor for years," he claimed, "but since the Volstead Act in 1920 business has been wholesale."<sup>27</sup>

The prosecution's case claimed that "Bar Harbor and adjoining towns had for a long time been the headquarters of a gang of lawbreakers who were open in their defiance of the law; that their illegal business was common knowledge in the community; that they imported, sold and transported liquor in large quantities without molestation by or fear of the sheriff or his deputies; that this went on for months and was only stopped when Daniel Herlihy and several others were caught by the federal officers, convicted and sentenced to various terms in federal and state prisons for their offense against the federal liquor laws."

Clifford Willey, promised protection by Governor Baxter, testified that he had formerly been in business with Herlihy and that Herlihy conducted \$200,000 to \$300,000 worth of business each year—\$2.7 million to \$4 million in today's dollars. The liquor smuggled to the Maine coast was landed at various spots on Mount Desert Island and Blue Hill Bay, he explained, and the point of delivery would change with every cargo. From those locations it was transported throughout Maine and other states, cargoes of seventy-five to one hundred fifty cases of twelve bottles each. Willey also testified that Herlihy's Lenox Club was frequented by many Bar Harbor businessmen. One of Herlihy's "chauffeurs," Ronald Nason, admitted that he had made several delivery trips to Bangor and one to Boston with carloads of liquor.

Temperance proponents also had their say before the Governor's Council and voiced their helplessness in the face of what they saw as obvious disregard for the law. Reverend J. Homer Nelson of the Bar Harbor Congregational Church testified that there was a dance hall in town called the Sink "where there was much drunkenness and vice." Reverend William H. Patterson of the Episcopal Church said he never complained to federal authorities about the local liquor trade because he was told that "a complaint made to federal authorities usually found its way back to the party accused." A.D. Gray, superintendent of schools, said it seemed like the deputies were taking graft, but he couldn't prove it.

In an effort to get at Wescott, the prosecution pursued his Bar Harbor deputy, George Clark, contending that Deputy Clark "was not active or apparently much concerned about the enforcement of the prohibitory law." In fact, they claimed, he frequented Herlihy's Lenox Club, and "appeared to be on very friendly terms" with the staff and owner. He had purchased liquor there and carried it away.

Willey, Herlihy's former business associate, confirmed that Clark had been a regular at the Lenox. He had often seen the deputy there, he said, most of the time relaxing with his feet up on a table. Harry Willey testified that the year before he had given Clark a tip that a boatload of rum was coming into Schooner Head, but that Clark had never done anything about it. Customs officer Howe Higgins concurred, claiming that for three years he couldn't make a seizure because he couldn't get anyone to cooperate with him, even his own officers.

When Sheriff Wescott himself took his turn, the prosecutor asked him, "Why didn't you . . . put Herlihy out of business?"

"That idea is preposterous," Wescott replied. "You can't convict one of selling liquor without evidence. . . . Herlihy didn't do any business

himself. Others did it for him. . . . I didn't take out a warrant to search Herlihy's place because I had reason to believe he didn't keep liquor in the place." Furthermore, said Wescott, the liquor was stored on the premises of some of the best people in Bar Harbor. "Will you admit that Herlihy and his rum runners beat you on Mt. Desert Island?" Governor Baxter asked Wescott. "I am sorry to admit it," Wescott replied.

---

The hearing had exposed Bar Harbor's dark side, and the crackdown had put some of its leading smugglers behind bars. While liquor did not disappear from the Island, the party was over for its formerly prosperous and bold rum ring. After serving his time in prison, Herlihy and his wife left in December of 1925 on a six-month cruise around the world.

But Herlihy wasn't done with Bar Harbor yet. He and Ada returned to settle in again on Livingston Road, and Herlihy built a nightclub and boxing arena that remained immensely popular throughout the rest of the Twenties. In 1932, when Herlihy died of pneumonia at the age of sixty-four, he was lauded as a "popular businessman" in the community, and the obituary in the local paper cited the evidence: "At the house Monday the beautiful display of flowers was like that of some conservatory. . . . Hundreds of tall, white lilies, masses of roses in every tint, with every hue of the garden represented. . . ." <sup>28</sup> In the end, Bar Harbor paid tribute to its most notorious and beloved smuggler.

## Notes

<sup>1</sup> E.H. Dodge, *Mount Desert Island and the Cranberry Isles* (Ellsworth, Maine: N.K. Sawyer, 1871).

<sup>2</sup> *New York Times*, September 5, 1880.

<sup>3</sup> *Bar Harbor Mount Desert Herald*, February 15, 1883.

<sup>4</sup> *Boston Herald*, August 19, 1892.

<sup>5</sup> *Boston Evening Transcript*, July 20, 1892.

<sup>6</sup> This and all quotations in this paragraph from *Boston Herald*, August 19, 1892.

<sup>7</sup> *New York Times*, August 28, 1892.

<sup>8</sup> *Bar Harbor Record*, August 4, 1892.

<sup>9</sup> *Ibid.*

<sup>10</sup> *New York Times*, August 21, 1892.

<sup>11</sup> *Lewiston Evening Journal*, January 5, 1893.

<sup>12</sup> *Bar Harbor Record*, February 8, 1894.

<sup>13</sup> This and all quotations in this paragraph from *Lewiston Evening Journal*, August 5, 1895.

<sup>14</sup> *Lewiston Evening Journal*, August 5, 1895.

<sup>15</sup> *Ibid.*

<sup>16</sup> *Bar Harbor Record*, August 3, 1895.

<sup>17</sup> *Bar Harbor Record*, August 7, 1895.

<sup>18</sup> *Bar Harbor Record*, August 14, 1895.

<sup>19</sup> This and all quotations in this paragraph from *Bar Harbor Record*, November 13, 1895.

<sup>20</sup> *Bar Harbor Record*, May 3, 1905.

<sup>21</sup> *Bar Harbor Record*, October 24, 1900.

<sup>22</sup> *Bar Harbor Record*, February 5, 1905.

<sup>23</sup> *Bar Harbor Record*, January 24, 1923.

<sup>24</sup> *Bar Harbor Times*, March 21, 1923.

<sup>25</sup> *Biddeford Journal*, April 12, 1923.

<sup>26</sup> *Biddeford Journal*, December 5, 1923.

<sup>27</sup> This and the following account of the hearing and testimony, including quotations, are from the *Bar Harbor Times*, November 21, 1923.

<sup>28</sup> *Bar Harbor Times*, August 3, 1932.