CHINESE FISHERMEN: THEIR TRIAL FOR USING ILLEGAL NETS ATTEMPT MADE TO ...
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CHINESE FISHERMEN.

Their Trial for Using Illegal Nets.

Attempt Made to Show Blackmail.

Hostile Feeling Between Catania and the Callundan Brothers.

The habitation of W. H. Mills, the local dispenser of the law and general interpreter of the codes at Martinez, was surrounded yesterday by Deputy Fish Commissioners, Chinese and the defenders of the Asiatics in their methods of fishing.

Ten Mongolians had been tried a week before for illegal fishing, and the Justice instructed the jury to acquit them, notwithstanding the fact that Chief Patrolman Callundan and his deputies had testified to their guilt. The hard-headed jury refused to obey the dictates of the Court, and absolutely convicted the defendants in the face of the instructions. A new trial was granted, and took place yesterday. The regular counsel of the Chinese, Mr. Riordan, was not present, but he was represented by J. B. Weller, who was supplemented by C. E. Miller, who was a tower of strength to the Chinese fishermen. Jerome Miller, with a commission from Vice-Consul Bee, was also present with a pious desire to see that the blind goddess should not fall headlong on the innocent Mongolians without a friendly hand to stay the catastrophe.

When court opened the following jurors were sworn in to try ten Chinese for violating the fishing laws of the State: M. A. J. Gift, John Castro, P. Hanneberry, Max Plumb, John King and John McMahon. Both sides were satisfied that six men were sufficient, and the trial proceeded.

On motion of Assistant District Attorney W. S. Wells, the prior proceedings were dismissed and the cases were reopened. There were ten Chinese captured on October 29th last for illegal fishing, and it was alleged that they were doing their illegal work in Contra Costa county. Mr. Weller interposed a demurrer on the ground that the court did not have jurisdiction and that the allegations of the complaint were insufficient. The motion was promptly overruled by the justice and the heathen horde were then tried on the separate charge of fishing with bag nets.

Ferdinand H. Callundan was the first witness called for the prosecution. He testified that on October 29th last he and two other deputy fish commissioners captured two boats off Point Pinole which contained five Chinese each, who were then in the act of pulling up their bag nets, which were so fine that a fly could not get through the meshes. The first boat taken was that of the Tin Wah Company and the other was the Yee Hop boat, belonging to a company of that name. The witness stated that he had gone out with the other officers on the tug Ethel and Marion, and at the time of the capture the Chinese were catching young fish. The locality was off San Quentin Point and about 500 yards out from Point Pinole. An elaborated description of the bag nets was given by the witness, who also told how destructive they were of young fish. When the boats were captured, not only quantities of shrimp were found in the hold, but a great number of small fish, such as the law does not allow to be taken.

Mr. Weller sought to show that the witness had been unsuccessful in trying similar cases in Marin county and had, therefore, brought the case to Contra Costa county to have it tried. An objection was interposed and sustained.

"Do you know Mr. Catania?" asked Mr. Weller.

"Yes I do, I am sorry to say," was Callundan's reply.

An attempt was then made to attack the credibility of the witness on the ground that he cherished a hostile feeling toward any Chinese represented by Catania, but the Court refused to allow Mr. Wilson to proceed in that direction.

Deputy Commissioner Ned Reilly was called and corroborated the evidence given by Mr. Callundan in relation to the capture.

When Fred Callundan, the State patrolman, was called from the street he exclaimed: "I'll get even with that blackmailing —— —— before I get through." On a map he indicated the place where the capture was made, and said it was done by his instructions. The witness threw a hot shot into the opposition camp when he declared that the defense admitted the guilt of the prisoners, but were only contending as to the jurisdiction of the Court. The evidence was sufficient, he asserted, but the technicality that they were clinging to was that it might possibly be shown that the act had been committed in another county.

John F. Curley, also a Deputy Fish Commissioner, was present when the Chinese were arrested. The junks were about 600 yards off Point Pinole and therefore about a mile inside the line of Contra Costa county. The witness was not allowed to testify as to the boundary line which was indicated on the map on the ground that he was not a surveyor nor an expert. Curley denied that he had ever told Catania that the offense was committed in Marin county.

The first witness for the defense was M. J. Miller, an old steamboat man and the owner of the steamer Gold. He thought he saw a small steam or naphtha boat after some Chinese fishing junks some day in October, but he did not remember the date. He was too far away at the time to recognize people on the tug or in the boats. The witness did not believe that the Chinese generally fished in Contra Costa county.

Erskine B. McNear was the next champion for the Chinese. He knew the Tin Wah and the Yee Hop boats, and some of the Chinese who were produced in court. He did not know if they were the same who were arrested on the boats.

"How do you know them?" asked Mr. Wells.

"Because they are all tenants on my father's ranch at Point San Pedro. I collect their rent," was answered.

"How much rent do they pay?"

"They have been paying what they pleased, but after this they will pay what we demand."

"Then you are interested in this case?"

"Not particularly."

"Do you know that these men were fishing in Marin and not in Contra Costa county on October 29th last?"

"I don't know the day, but I remember having seen a capture some time during the month, and I remarked to some who were with me that I guessed the Chinese would not put up this time."

"Then you really do not know that any arrests were made on October 29th, or that any of these men were arrested, or that any of these officers did the arresting."

"No, sir; but I believe that it was them that I saw that day."

"That will do."

Ah Ching was suddenly introduced through an interpreter to show that he had had dealings with Ferdinand H. Callundan. He said he had known the gentleman about a year, but had never had any business with him.

"Is that one of the defendants?" demanded Justice Mills as he gazed at the Mongol.

"No, sir," answered Mr. Weller.

"Then let him go."

The attorney said that he desired to show by the witness that Ferdinand H. Callundan had been pursuing a system of blackmail.

The Court stopped the attorney at this point and placed Joseph Catania on the stand.

The crowd stood silently in anticipation of trouble. There was a wicked gleam in the twinkling black orbs of the excited witness as he took the stand.

"What is your business, Mr. Catania?" inquired the District Attorney.

"My business? My business now is to defend Chinese," he replied.

"Did you ever have any business with Ferdinand Callundan?"

"Oh, yes, plenty——"

"I object!" shouted the District Attorney.

"We got money from the boats."

"Will you keep quiet until I get in my objections?"

"They say they do me up. I see if they will!" hurled back Mr. Catania.

"Now, what did you say your business was?" continued the attorney.

"I am an interpreter and a protector of Chinese."

"Do the Chinese pay you for the privilege of fishing?"

"Yes, of course; some boats pay me every month and some pay me every six months. Mr. Callundan got——"

"Stop; I'm not asking you about anyone but yourself. You were a Fish Commissioner at one time, were you not?"

"I was."

"Why did you quit?"

"Because I had to complain against Commissioner Roulier. I will tell you all, if you want to hear it."

When Catania's wrath subsided it was found that he knew nothing of the case at issue and had only come in to endeavor to make a statement that would incriminate Ferdinand Callundan.

The case was given to the jury after brief instructions by the justice.

In fifteen minutes M. A. J. Gift reported that the jurors were "hung" and wanted refreshments. They were accommodated, and it was stated that all were for conviction except Mr. Gift, and he was on the fence.

The jury retired again. In five minutes all was over. "Not guilty" was plastered on the outer wall.

The trial of the Chinese on the other charge of catching small fish was set for November 20th.

C. Ed Miller tried to hypothecate his breath for the bonds of the ten men, and he was supplemented by Jerome Miller, who together threw a twin stream at the Justice as they fondled him in the gloaming. It did not work. The Chinese went to jail.

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