ness was pressed by the district attorney to answer the questions, and having been brought before the Court during the progress of the examination, was in substance instructed that the questions were of such a character thathe was bound to answer. He testified in the broadest terms as to the questions propounded to him that he had no part in the transaction on the evening of the banquet, and which was the subject of the enquiry. One of the questions was as to who was his room-mate. He replied, 'I wish to throw myself upon my privilege, and decline to give evidence, on the ground that my answer may tend to criminate me.' After he was brought into Court, and after consultation with the presiding judge, he returned to the grand jury room and testified as to his room-mate. He was then asked further questions having relation to the transaction on the evening of the banquet, but none of them gave the information sought to be obtained by the questions which he had declined to answer. The question, of course, was simply as to whether the relator was guilty of such conduct as to subject him to the power of the Court to punish for contempt, or was simply exercising the right secured to him by law. In relation to this question Judge O'Brien, in writing the opinion, says: "After the Constitution of the United State shad been adopted it was deemed important to add to it several amendments, and one of them (Art. 5)provides, among other things, that no person 'shall be compelled, in any criminal case, to be a witness against himself.' It is also incorporated in the Constitution of the State of New York (Art. 1, s. 6), and more recently into the Codes of Civil and Criminal Procedure (Code Civ. Proc. s. 37; Code Crim. Proc. s. 10). These constitutional and statutory provisions have long been regarded as safeguards of civil liberty quite as important as the writ of *habeas corpus* or any of the other fundamental guarantees for the protection of personal rights. Under these constitutional and statutory provisions, Judge O'Brien holds that the provisions of the law should be applied in a broad and liberal spirit in order to secure to the individual that immunity from every species of self-accusation implied in the brief but comprehensive language in which they are expressed. This doctrine has been followed in the cases of *Counselman* v. *Hitchcock*, 124 U. S. 547; *Emery Case*, 106 Mass. 172; *State* v. *Newell*, 58 N. H. 314; *Minters* v. *People*, 139 Ill. 363; *People* v. *Mather*, 4 Wend. 230; *People* v. *Hackney*, 24 N. Y. 84; *People* v. *Sharp*, 107 *id.* 407; 1 Burr's Trial, 245. In the