The Investigation of Corporate Monopolies
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The decision, however, leaves this question untouched as it went off on the affirmative decision of the third question propounded to the attorneys by the Supreme Court as the theme for an additional brief; namely, "under the law of civil procedure as existing in Porto Rico at the time of the attachment proceedings complained of, could the damages herein claimed have been allowed or assessed in that proceeding upon dissolution or discharge of the attachment? If so, was that mode exclusive of every other for ascertaining such damages?"

MR. JUSTICE WHITE with MR. JUSTICE MCKENNA dissented from the majority opinion of the Supreme Court on the ground that the question upon which the judgment was reversed was not saved in the court below, and that the error, if any, was a mere question of the mode of procedure involving no want of jurisdiction *ratione materiae.*

<div align="right">J. H. D.</div>

THE INVESTIGATION OF CORPORATE MONOPOLIES.—The Supreme Court of the United States has recently given a clear and brief statement of its views respecting the right of a corporation officer to refuse to testify on the ground that his testimony may subject the corporation to a criminal prosecution. *Hale v. Henkel,* 26 Sup. Ct. Rep. 370. Hale was summoned before a grand jury in a proceeding under the Sherman anti-trust act, and upon being interrogated respecting certain transactions of the MacAndrews & Forbes Co., of which he was Secretary and Treasurer, refused to answer, on the ground that the Federal immunity law was not broad enough to embrace corporations, and that a corporation agent could therefore claim a constitutional right to refuse to answer questions tending to incriminate such corporation.

To this plea, MR. JUSTICE BROWN, speaking for the Court, replied: "The right of a person under the 5th amendment to refuse to incriminate himself is purely a personal privilege of the witness. It was never intended to permit him to plead the fact that some third person might be incriminated by his testimony, even though he were the agent of such person. A privilege so extensive might be used to put a stop to the examination of every witness who was called upon to testify before the grand jury with regard to the doings or business of his principal, whether such principal were an individual or a corporation... The amendment is limited to a person who shall be compelled in any criminal case to be a witness against *himself;* and if he cannot set up the privilege of a third person, he certainly cannot set up the privilege of a corporation. As the combination or conspiracies provided against by the Sherman anti-trust act can ordinarily be proved only by the testimony of parties thereto, in the person of their agents or employees, the privilege claimed would practically nullify the whole act of Congress. Of what use would it be for the legislature to declare these combinations unlawful if the judicial power may close the door of access to every available source of information upon the subject? Indeed, so strict is the rule that the privilege is a personal one that it has been held in some cases that counsel will not be allowed to make the objection. We hold that the questions should have been answered."   E. R. S.