

alimony *pendente lite*.<sup>29</sup> But strangely enough, although there are only nine or ten states that make it the duty of the wife to support an incapacitated husband where she is able,<sup>30</sup> yet the two cases most strongly holding that a husband cannot get alimony *pendente lite* without statutory authority, both being cited to support the instant case, come from two such jurisdictions—California and North Dakota.<sup>31</sup>

It may be said that a small portion of American husbands are here concerned. The number of cases where husbands request alimony *pendente lite* is not large; nor are there many jurisdictions where a statute imposes upon the wife even a qualified duty of support. Perhaps, therefore, the extent of judicial injustice that calls for remedy is slight. But it may well be argued that in the other cases the legislative injustice should also be remedied.<sup>32</sup> As poor a creature as the husband who needs alimony, either temporary or permanent, may seem to be, he exists, and the penalties already laid on him by law for his incapacities should not be made heavier by law. If "equal rights" mean anything, this is certainly one of the things they should mean.<sup>33</sup>

#### PLEADING NEGLIGENCE

The appearance of a new edition of the official Connecticut Practice Book,<sup>1</sup> containing additions to the official forms of pleading, serves to call attention anew to the difficulties involved in the statement of the cause of action under the codes. To illustrate the problem involved it

<sup>29</sup> Iowa, *supra* note 28, sec. 3177; *Lindsay v. Lindsay* (1920) 189 Iowa, 326, 178 N. W. 384; N. D. *supra* note 28, sec. 4402; Ohio, *supra* note 27, sec. 11994; Okla. *supra* note 27, sec. 4967; Utah Comp. Laws, 1917, sec. 2998.

<sup>30</sup> Calif. *supra* note 23, sec. 176; Conn. Pub. Acts, 1920-1921, ch. 99, 101 (pauper); Ohio, *supra* note 27, sec. 7995; Nev. Rev. Laws, 1912, sec. 2178; Okla. *supra* note 27, sec. 3351; N. D. *supra* note 23, sec. 4409; S. D. Rev. Code, 1919, sec. 167; Wis. Sts. 1898, sec. 1502, as amended by Laws, 1907, ch. 224.

<sup>31</sup> *State, ex rel. Hagert, v. Templeton, supra* note 19; *Eisenring v. Superior Court* (1917) 34 Calif. App. 749, 168 Pac. 1062. It is believed that the only other cases in which this question has been squarely decided, and *contra* to the husband's claims (except *Groth v. Groth, supra* note 18), are also in such jurisdictions. *Brenger v. Brenger* (1910) 142 Wis. 26, 125 N. W. 109; *Poloke v. Poloke* (1913) 37 Okla. 70, 130 Pac. 535 (neither permanent nor temporary alimony permitted).

<sup>32</sup> There is an obvious social necessity for the compulsion on the husband to support his wife—"the danger of (her) becoming a public charge." Tenn. Code, *supra* note 27, sec. 4249; 55 CENT. L. JOUR. 383, at p. 385. Is there not just as much reason for relieving taxpayers of this additional burden where the husband cannot support himself and the wife has the means to contribute?

<sup>33</sup> The convention of the National Woman's Party, held at Washington, November 11th and 12th, 1922, has officially recommended alimony for husband and wife on equal terms, by approving the North Dakota and Iowa laws (cited *supra* notes 23 and 28) as models. *New York Times*, November 13, 1922, p. 9. Equal terms, however, would not require the giving of alimony to the husband in very many instances.

<sup>1</sup> *Connecticut Practice Book* (1922), compiled by a committee of the judges of the Superior Court.

seems apt to consider the manner in which a cause of action based upon the defendant's negligence must be stated.

It is possible to characterize common-law pleading, code pleading, and the modern brief pleading developed in a few courts, as issue-pleading, fact-pleading, and notice-pleading respectively.<sup>2</sup> This emphasizes the chief purpose supposed to be achieved by each system. Thus the glory of the common-law system was supposed to be that the parties proceeded by successive steps until one affirmed and the other denied a single point, which then became the sole matter to be tried.<sup>3</sup> Under the codes it was expected that each party would tell his story "in simple and concise language" and the court would apply the necessary law to these facts. Hence the pleader must state merely the "dry, naked, actual facts."<sup>4</sup> And under notice pleading the office of the pleading is simply to put the other side on notice in a general way of the pleader's claim.<sup>5</sup>

But after all this is only to single out and emphasize the most important feature of each system. Under common-law pleading the facts were stated, even though it was not quite so heinous an offense as under the codes to mix a little law therewith, and the pleadings did serve the function of notice; while under code pleading issues are created, and under notice pleading the facts are stated, though quite generically. The real difference is one of degree—as Holmes considers all legal distinctions to be—in the particularity of the statement of the facts. The least successful of these systems has been the code system and the reason therefor is in the main the failure to recognize the true nature of the distinction just noted and the consequent vain attempt to restrict the pleading to only "the ultimate facts," excluding on the one hand evidential facts and on the other legal conclusions.<sup>6</sup> Code pleading of course justified itself for certain of its reforms, such as the abolition of forms of action and the amalgamation of law and equity. But in the statement of the cause of action the common law was more successful and the reaction from code pleading must necessarily be towards the common law. The difference between the statement under notice pleading and the common-law statement, stripped of its verbiage and reiteration, is certainly not great.

<sup>2</sup> See Pound (1920) 33 HARV. L. REV. 326, reviewing Works, *Juridical Reform* (1919); Whittier, *Notice Pleading* (1918) 31 HARV. L. REV. 501.

<sup>3</sup> Stephen, *Pleading* (Williston's ed. 1895) 136, stating that the *main* object of the common-law system of pleading was to ascertain the subject for decision by the production of an issue.

<sup>4</sup> Pomeroy, *Code Remedies* (4th ed. 1904) 560. Quoted by Cook, *Statements of Fact in Pleading under the Codes* (1921) 21 COL. L. REV. 416.

<sup>5</sup> Whittier, *supra* note 2.

<sup>6</sup> For a statement of the problem involved, see Cook, *supra* note 4; Isaacs, *The Law and the Facts* (1922) 22 COL. L. REV. 1. Among criticisms of code pleading in this regard, see Pound, *supra* note 2; Works, *op. cit. supra* note 2, 45 (considering that the rule may be sound in theory, but indulging in sound criticism of its practical application).

A conspicuous example of the failure of the code ideal is the use of the "common counts" under the codes. These counts, developed in the common-law action of *indebitatus assumpsit*, set forth the defendant's indebtedness to the plaintiff in very general form. But to say that A is indebted to B for a conversion and sale of A's personalty is to state a legal conclusion drawn from the law of waiver of tort, and the addition of the fictitious promise to pay adds no fact. Hence it is not surprising to find bitter objection to the common counts voiced by advocates of fact-pleading such as Pomeroy.<sup>7</sup> But here again the distinction is between a general and a specific statement. To say that A is married is to state a legal conclusion and yet in common every-day speech it is also a generalization of fact and should be treated as such.<sup>8</sup> And so the common courts, which did furnish short and simple forms of statement in cases where intricate and involved explanation was neither necessary nor desirable, have been in general use under the codes, notwithstanding the objections of those who emphasized an unsound theory and did not perceive the needs of practical convenience.<sup>9</sup>

So in stating the ordinary negligence action the problem is to determine how specifically the occurrence in question should be detailed. It is generally said that facts showing the right-duty relation, the breach, and the resulting damage, must be set up. But what is needed to show the defendant's duty and his breach? Let us take the case which has become increasingly important with the use of the automobile, that of injury caused by careless driving on a highway. The gist of the statement at common law was that the defendant so carelessly (unskillfully, improperly, etc.) drove his horse that through his carelessness his horse struck the plaintiff's horse and cart, injuring the plaintiff.<sup>10</sup> There may be kinds of default unknown to the age of the horse which may be committed by a motorist, and yet under the forms appearing in the statutes of Massachusetts—where under a modified common-law procedure the good of the old system has been preserved while its defects have been discarded—a like allegation is provided for the automobile accident case.<sup>11</sup> Under the codes, too, it seems clearly to have been the view originally that the same kind of statement should be

<sup>7</sup> Pomeroy, *op. cit. supra* note 4, 584-590; Sunderland, *Cases on Code Pleading* (1913) 269; 34 L. R. A. (N. S.) 364, note.

<sup>8</sup> Jessel, M. R., in *Eaglefield v. Marquis of Ludenderry* (1876) L. R. 4 Ch. 693, 702, quoted by Cook, *supra* note 4.

<sup>9</sup> *Supra* note 7.

<sup>10</sup> *Williams v. Holland* (1833, C. P.) 10 Bing. 112; 2 Chitty, *Pleading* (7th ed. 1844) 529.

<sup>11</sup> Mass. Gen. Laws, 1921, ch. 231, sec. 147, no. 13: "And the plaintiff says that the defendant so negligently and unskillfully drove a motor vehicle in a public highway called \_\_\_\_\_ street, in Boston, that by reason thereof the said motor vehicle struck the plaintiff who was then properly crossing the said highway whereby the plaintiff was thrown down. . . ."

used.<sup>12</sup> And under notice pleading the form suggested by its chief advocate seems not dissimilar except for the omission of the word "carelessly."<sup>13</sup>

Nevertheless there seems to have developed a feeling on the part of both bench and bar that the "particular acts" of negligence must be stated.<sup>14</sup> This attitude is exemplified by rulings of varying strictness. Perhaps the prevailing view is to require the plaintiff to state explicitly each successive act by the defendant leading to the injury, but he is still, by the more general rule, permitted to characterize such acts as having been *negligently* done and such characterization is held to show the breach of duty to the plaintiff.<sup>15</sup> Some courts, however, hold that the word "negligently" means nothing as a statement of fact, and the breach of duty must be otherwise shown.<sup>16</sup>

<sup>12</sup> See forms in Maxwell, *Code Pleading* (1892) 724 (taken, as the author says, from 2 Chitty, *Pleading* (1855) 860); Phillips, *Code Pleading* (1896) sec. 503; Bryant, *Code Pleading* (2d ed. 1899) 338; Bliss, *Code Pleading* (3d ed. 1894) sec. 211; *Connecticut Practice Book*, *op. cit. supra* note 1, 452; Abbott, *Forms of Pleading* (2d ed. 1918) 1037, 1039; Alden, *Handbook of Practice under the Civil Practice Act of New York* (1921) 68. Such complaints have been held sufficient against motion. *Hanson v. Anderson* (1895) 90 Wis. 195, 62 N. W. 1055; *Hicks v. Serano* (1911) 74 Misc. 274, 133 N. Y. Supp. 1102; *aff'd.* (1912) 149 App. Div. 926, 133 N. Y. Supp. 1126; see also *Oldfield v. N. Y., N. H. & H. Ry.* (1854, C. P.) 3 E. D. Smith, 103; *aff'd.* (1856) 14 N. Y. 310; *Peterson v. Eighmie* (1916) 175 App. Div. 113, 161 N. Y. Supp. 1065; *cf. Leny v. Paine* (1921) 197 App. Div. 581, 188 N. Y. Supp. 601.

<sup>13</sup> Whittier, *supra* note 2, at p. 504: ". . . the plaintiff claims damages for personal injuries sustained by being struck by the defendant's motorcycle about August 1, 1916."

<sup>14</sup> Thus it has been concluded from the cases that where a petition contains but a general allegation of negligence it is subject to a motion to make more definite and certain. Pomeroy, *op. cit. supra* note 4, 682, note by Professor Bogle. Missouri, although complaints in the common-law form have been sustained in that jurisdiction, has now ruled that such a statement is vulnerable on motion. *Van Bibber v. Wellman Fruit Co.* (1922, Kansas City Ct. of App.) 234 S. W. 356; but see *Mack v. St. L., K. C. & N. Ry.* (1883) 77 Mo. 232; *Sullivan v. Mo. Pac. Ry.* (1888) 97 Mo. 113, 10 S. W. 852; *Pope v. K. C. Cable Ry.* (1889) 99 Mo. 400, 12 S. W. 891; COMMENTS (1922) 7 ST. L. L. REV. 142.

<sup>15</sup> *Hill v. Fair Haven & W. Ry.* (1902) 75 Conn. 177, 52 Atl. 725; *Bunnell v. Berlin Iron Bridge Co.* (1895) 66 Conn. 24, 33 Atl. 533; 29 Cyc. 570. Apparently, here also, the manner in which the negligent act may be a breach of duty must be apparent to the court. See *O'Keefe v. Nat. Folding Box & Paper Co.* (1895) 66 Conn. 38, 33 Atl. 587 (complaint which alleged that the plaintiff was negligently put to work by the defendant in placing colored paper saturated with poison into a box heated with steam as a result of which he was poisoned, was defective in failing to state facts making it the duty of the defendant to know that the paper was poisonous).

<sup>16</sup> Thus an averment that the persons in charge of a locomotive engine carelessly and negligently and without giving warning ran it at a reckless and high rate of speed upon a switch track where the plaintiff was at work, and negligently and carelessly disconnected a freight car therefrom, leaving it to run with great force against other cars on the track and forced them against the plaintiff, was held

And the English precedents call for a specification of the particulars of negligence.<sup>17</sup>

With such an attitude shown by various tribunals it is but to be expected that lawyers, following the legal axiom of safety first, will see that their complaints are specific beyond question, and hence we have the intricate, complex, verbose, repetitious, and ridiculous complaints of modern pleading. The forms in the new Connecticut Practice Book well illustrate this development. They have been prepared under official authority to accompany the Connecticut Practice Act, one of the most successful codes in this country. The forms which accompanied the original Practice Act have contributed greatly to its success.<sup>18</sup> In the new edition all the original forms seem to have been retained and we still find the old liberal precedents such as that the defendant "carelessly drove against the wagon of the plaintiff, and thereby broke and injured the same";<sup>19</sup> but the new forms which have been added are of a different sort. Thus a form of complaint for damages resulting from an automobile collision contains a paragraph stating the collision in the old style, but in another paragraph there is added the allegation that "the damage to the plaintiff's automobile was caused by the negligence of the defendant in that, etc.," specifying several particulars such as speed, failure to keep a look out, and failure to sound a warning.<sup>20</sup> Another form,

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insufficient to show a duty to the plaintiff. *Chicago & Erie Ry. v. Lain* (1907) 170 Ind. 84, 83 N. E. 632. So an allegation in an action against a city that there was a hole in a city street and that the plaintiff riding a bicycle struck "said defective, unsafe and out of repair street, and by reason of said street being out of repair as aforesaid, defective, and unsafe, she was thrown violently, etc.," was held to fail to show that the defect in the street was the proximate cause of the injury. *City of Logansport v. Kehm* (1902) 159 Ind. 68, 64 N. E. 598. This rule has been changed by statute in Indiana, providing that "all conclusions stated" shall be held allegations of fact unless attacked by motion. Acts 1913, ch. 322, sec. 1, amended by Acts, 1915, ch. 62, sec. 1; Burns' Ann. Ind. Sts. 1918, sec. 343a; *Schlosser v. Nicholson* (1916) 184 Ind. 283, 111 N. E. 13; *Fisher v. Carey* (1918) 67 Ind. App. 438, 119 N. E. 376.

<sup>17</sup> See Bullen & Leake, *Precedents of Pleading* (7th ed. 1915) 367 *et seq.*, with notes thereon.

<sup>18</sup> One reason for the success of the Connecticut Practice Act was that it was not adopted until 1879, when there was available the experience of the other code states and also the English reforms expressed in the Judicature Act. Many desirable features of the English Practice, such as pleading in the alternative, which are only now coming into general recognition in this country, have long been available in Connecticut. For historical note, see the Prefatory Note to the original Act, which is reprinted in this edition of the Practice Book. See also Hepburn, *Development of Code Pleading* (1897) 120. For a favorable reference to the original forms, see Cook, *op. cit. supra* note 2, 423, note.

<sup>19</sup> *Connecticut Practice Book, op. cit. supra* note 1, 452.

<sup>20</sup> *Ibid.* 412. This also contains an allegation that the plaintiff was in the exercise of due care. The "defense" of contributory negligence is available under a simple denial. *Ibid.* 290, 291. But this seems not to require the useless formality of pleading due care. The form, "Negligence in Operation of Motorcycle," is also interesting. *Ibid.* 412. It is based upon the complaint in a recent Connecticut

"Negligence in Operation of an Airplane," gives a modern touch. In the first paragraph it is alleged that the plaintiff resides at a specified address in Bridgeport, an allegation entirely immaterial but possibly designed to supply the lack of the very necessary allegation that the plaintiff owned the house which was injured. Next follows an allegation of the defendant's corporate capacity,<sup>21</sup> and that it was engaged in the carrying of passengers on "short" flights for a profit in airplanes from a specified field. Next comes a long paragraph detailing the flight in question from its inception, and only at the end of the paragraph is the airplane at length conducted to a point "just west of plaintiff's premises." In two more paragraphs the crash into "plaintiff's residence" and the resultant injury thereto are stated.

The next form is perhaps the most suggestive of all. It deals with the complicated situation of a guest in a motor vehicle suing the owner of the vehicle and the trolley company together.<sup>22</sup> It is taken almost word for word from a complaint recently before the court.<sup>23</sup> Here may be asked a question as to the purpose of the forms. The compilers of the original forms stated that they were "designed to guide, not to hamper, the profession."<sup>24</sup> But are they supposed to be models or only examples of what will pass the court? The complaint is too long to be considered in detail. It contains eight intricate and involved paragraphs. The accident is described with such particularity as may be indicated by the following: "When the automobile had reached a point close to the trolley track pole marked '15.'" After a very full statement of the various occurrences, there is added a paragraph containing thirteen finely printed lines specifying particular acts of negligence upon the part of each defendant. An interesting feature of the complaint is the allegation that the trolley car struck the automobile a "*tremendous* blow close to the rear door on the right hand side of the automobile." [Italics ours.]

Should a defendant be entitled to a more specific statement where the complaint is in the old common-law form? He should if he is actually misled, and this was true at common law. The power at common law to order a bill of particulars in all kinds of cases is undoubted.<sup>25</sup> But

case, without correcting the defect there criticized of failing to bring the defendant within the terms of a governing statute. *Gargan v. Harris* (1916) 90 Conn. 188, 96 Atl. 940.

<sup>21</sup> Apparently unnecessary in view of Conn. Gen. Sts. 1918, sec. 5632, requiring the defendant by a special denial to raise the question of lack of right to sue as a corporation. *Merwin v. Richardson* (1884) 52 Conn. 233; *Goodsell v. McElroy Bros. Co.* (1912) 86 Conn. 402, 85 Atl. 509.

<sup>22</sup> *Connecticut Practice Book, op. cit. supra* note 1, 413-415.

<sup>23</sup> See *Dickerson v. Connecticut Co.* (1922) 98 Conn. 87, 118 Atl. 518; see also *Records*, 1st Judicial District, Oct. 1922. The complaint is signed by a leading lawyer of Hartford.

<sup>24</sup> *Connecticut Practice Book, op. cit. supra* note 1, v.

<sup>25</sup> *Tilton v. Beecher* (1874) 59 N. Y. 176; *Johnson v. Birley* (1822, K. B.) 5 Barn. & Ald. 540 (in trespass for assault and battery); 31 Cyc. 565.

the test here should be empirical, depending on the form of complaint. The defendant should be forced to convince the court that he actually needs the information asked for in order to prepare his defense. The old practice of requiring supporting affidavits to a motion seems desirable.<sup>26</sup> The result should be that normally a general statement of the accident should be sufficient even as against a motion to make more specific.<sup>27</sup> A defendant will of course endeavor to tie the plaintiff down to particular specifications of negligence in order to obtain the benefit of the rule that such specifications limit the proof to the defaults specified.<sup>28</sup> It is naturally a part of the game for the defendant to catch a plaintiff in this manner. But outside of this technical advantage what actual difference can it make to a defendant who has prepared his case as it should be, whether or not the plaintiff specifies that the defendant failed to sound a horn? It may be urged that large corporations who act only through agents cannot know or ascertain the exact facts of an accident unless so informed by the plaintiff. But so, too, the plaintiff cannot be sure how his witnesses are going to state the minute details of the affair until they get on the witness stand. The *actual* preparation for each side will be the same, however such details are finally to be understood, and there seems no fair reason for putting such a restriction on the plaintiff. It will probably amount to nothing more than to compel the plaintiff to amend at the trial, thus adding further to the confusion of the record. And with a careful lawyer on the other side the defendant defeats his own purpose, for the plaintiff will set up all manner of allegations of negligence, though he need prove but a single one. The true principle here should be that of reasonable notice to the defendant, the reasonableness of such notice to be decided upon the basis that the defendant is a person who may be assumed to have some previous knowledge of the affair in question.

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<sup>26</sup> *Johnson v. Birley*, *supra* note 25; 31 Cyc. 585.

<sup>27</sup> Whether the common-law form is still sufficient in Connecticut is not entirely clear. It has been held sufficient in the absence of a motion to make more definite and certain. *Eckert v. Levinson* (1917) 91 Conn. 338, 99 Atl. 699; *Jordan v. Apter* (1919) 93 Conn. 302, 105 Atl. 620; *Kearns v. Widman* (1919) 94 Conn. 257, 108 Atl. 661; *Slivowski v. N. Y., N. H. & H. Ry.* (1920) 94 Conn. 303, 108 Atl. 805. In the *Kearns* case there is a statement that the specific acts or circumstances of negligence should be pleaded, but the supporting citation, 17 C. J. 1006, shows that the court had in mind only the particular question there involved, namely, what allegations were necessary to furnish a basis for a claim of exemplary damages in a negligence action. The attitude of the Court in the *Slivowski* case, where they said that they were not much impressed by the defendant's contention that it had in fact been misled, seems the proper one. "The Practice Act was designed to simplify our legal procedure, and to abbreviate pleadings by the omission of all unnecessary allegations." Baldwin, J., in *Fisher, Brown & Co. v. Fielding* (1895) 67 Conn. 91, 103, 34 Atl. 714, 716 (that a foreign court "duly adjudged" that a defendant should pay held sufficient).

<sup>28</sup> *N. E. Fruit & Produce Co. v. Hines* (1922) 97 Conn. 225, 235, 116 Atl. 243, 247; *Capell v. N. Y. Transp. Co.* (1912) 150 App. Div. 723, 135 N. Y. Supp. 806; 10 C. J. 361.

But even if not required, may the plaintiff plead specifically when he so desires? His incentive is likely to be that way, first because he wishes to be safe and, secondly in the vain hope of being more impressive. The "tremendous blow" was perhaps penned with an eye to the jury. Here we must allow the plaintiff much latitude and perhaps we ought not to prevent him from so pleading. The great fault of the code was the attempt to state an arbitrary rule of thumb which could always be applied, thus overlooking the fact that the code is really only a tool to enable the court to get judicial business done fairly and conveniently. The code should be a means to an end, not an end in itself, and hence there is danger in arbitrary limitations in form of pleading. Something may be done however to avoid counsel's natural lawyerlike propensity to verbosity. If there is no penalty of any kind attached to pleading briefly, not even the penalty of delay to allow the defendant to criticize and the court to examine the pleading, a main incentive to prolixity is gone. In addition the court may achieve a considerable result by reproofing informally and without a definite ruling those lawyers who violate sound rules of pleading. And finally the court may exercise at least somewhat more frequently than it now does, its power to strike out "unnecessary repetition, prolixity," "or the incorporation of irrelevant, immaterial or evidential matter" in a pleading "or otherwise [to] correct" a pleading.<sup>20</sup>

C. E. C.

#### LEGAL SEARCH AND ARREST UNDER THE EIGHTEENTH AMENDMENT

Many difficult problems have arisen in connection with the Eighteenth Amendment.<sup>1</sup> And not the least of these is that of enforcing it in a constitutional manner. Although the states are not affected by the Fourth and Fifth Amendments to the Federal Constitution, similar provisions exist in practically all of the state constitutions.<sup>2</sup> The Fourth Amendment reads as follows: "The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable

<sup>20</sup> Conn. Gen. Sts. 1918, sec. 5639. Under the rule, sec. 226, the remedy is to be granted only in a clear case, and the court has discountenanced its use. *Connecticut Practice Book*, *op. cit. supra* note 1, 295; *Donovan v. Davis* (1912) 85 Conn. 394, 398, 82 Atl. 1025, 1026.

<sup>1</sup> The Eighteenth Amendment to the United States Constitution, sec. 1, provides: "After one year from the ratification of this article the manufacture, sale, or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from, the United States and all territories subject to the jurisdiction thereof for beverage purposes is hereby prohibited."

<sup>2</sup> Art. II, sec. 10 of the Michigan Constitution: "The person, houses, papers and possessions of every person shall be exempt from unreasonable searches and seizures. No warrant to search any place or to seize any person or things shall issue without describing them, nor without probable cause, supported by oath or affirmation."