

1 ment. They merely said that any sentence of imprisonment  
2 required by the Legislature is not ipso facto, cruel  
3 and unusual and by adding the phrase, of law, you don't  
4 change that.

5 JUDGE ADKINS: Isn't it true the Court of  
6 Appeals had been forced to take that position by language  
7 of the existing law which limits this to acts by courts  
8 of law?

9 THE CHAIRMAN: I don't know. I didn't think  
10 so.

11 JUDGE ADKINS: You have to take the position  
12 that Mr. Martineau says the courts take.

13 THE CHAIRMAN: I would concede that the court  
14 would unhesitatingly have said that if the Legislature  
15 imposed the punishment of rack or thumbscrew, it was not  
16 authorized.

17 DR. BURDETTE: But Article 16, sanguinary  
18 laws ought to be avoided, but if you switch your rack and  
19 thumbscrew to a 50-year sentence for a parking fine, why  
20 then you don't have anything in this Constitution, the  
21 old one, which prevents the Legislature from imposing