

1 MR. CLAGETT: To refer back to the Committee
2 and have the Committee further consider restricting the
3 legislative enactment of any law which would be cruel
4 and unusual in its punishment.

5 THE CHAIRMAN: Is there a second?

6 DR. JENKINS: I second that.

7 THE CHAIRMAN: Mr. Scanlan?

8 MR. SCANLAN: I want to point out the second
9 clause in the present Article 16 had a prescription
10 that no law to inflict cruel and unusual pains and
11 penalties ought to be made in any case or at any time
12 hereafter, but nevertheless, in the face of that language,
13 the Court of Appeals concluded that any sentence pre-
14 scribed by statute was not cruel and unusual.

15 THE CHAIRMAN: Any further discussion? Mrs.
16 Freedlander?

17 MRS. FREEDLANDER: Mr. Chairman, if our exist-
18 ing provision restricts it to the courts of law, then
19 are we not then limiting the Legislature under the
20 present wording?

21 THE CHAIRMAN: That was my opinion, but it is