

1 subsequent to the original enactment of the legislation  
2 making interlocutory appeals should prevail. The Court  
3 of Appeals ruled against me on the grounds the  
4 statute had been codified in 1957 subsequent to the  
5 adoption of the rule and therefore, to make it perfectly  
6 clear, I would suggest the following stylistic change.  
7 The rule, if adopted or readopted after the enactment  
8 or re-enactment of the statutory provision shall be  
9 paramount. In other words, the statutory provision could  
10 be enacted. A rule could be adopted and then a codifica-  
11 tion. It is arguable whether a codification is another  
12 enactment. I guess I am nit picking about this but it  
13 is rather close to my heart.

14 THE CHAIRMAN: Any comment? Mr. Martineau.

15 MR. MARTINEAU: I just at first blush, Al,  
16 I think we don't want you to lose any more cases like  
17 that.

18 MR. SCANLAN: That is what I had in mind.

19 MR. MARTINEAU: I think as a matter of  
20 clarification it probably -- well, the word enactment  
21 would be -- I don't know that would add anything. The