

# TITLE 15

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## *General Construction Law*

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## GENERAL CONSTRUCTION LAW

### ***Chapter 1. ESTABLISHMENT OF CODE***\*<sup>1</sup>

#### **§ 1. Liberian Code of Laws of 1956 established, defined: purpose.**

Except as otherwise provided in the second sentence of this section, this General Construction Law and the thirty-six other Titles set forth in Chapter XXXVII of the Laws of 1955-56 are intended to embrace all the general laws of the Republic of Liberia in force on the effective date of this Code, compiled into a single body under the authority of the Legislature of the Republic of Liberia and designated as the Liberian Code of Laws of 1956. The Code does not include any laws enacted by the Fourth Session of the Forty-Second Legislature which are not listed in the list of statutes repealed in the last sentence of section 200 nor any statutes enacted subsequently thereto.

### ***Chapter 2. GENERAL RULES OF CONSTRUCTION***

#### **§ 10. Effect of Chapter on construction of statutes.**

This Chapter prescribes general rules for the construction of all statutes enacted by the Liberian Legislature, including the Liberian Code of Laws of 1956. Except as herein specifically provided, the provisions of this Chapter shall be read into every act or resolution which the Legislature has enacted or herewith or hereafter enacts in order to determine its meaning unless the wording of the act or resolution plainly expresses a contrary intent.

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<sup>1</sup> \*The law validating the Code and enumerating the 37 titles is on pp. xiii-xiv of Vol. I.

**§ 11. Effect of repealing statute upon existing rights and liabilities.**

The repeal of a statute or part thereof by this Code or by any statute hereafter enacted shall not affect or impair any act done, offense committed, or right accruing, accrued, or acquired, or liability, penalty, forfeiture, or punishment incurred prior to the time such repeal takes effect; but the same may be enjoyed, asserted, enforced, prosecuted, or inflicted as fully and to the same extent as if such repeal had not been effected.

**§ 12. Effect of repealing statute upon pending actions and proceedings.**

Unless otherwise specially provided by law, all actions and proceedings, civil or criminal, commenced under or by virtue of any provision of a repealed statute and pending immediately prior to the taking effect of such repeal may be prosecuted and defended in the same manner as they might if such provision were not so repealed.

**§ 13. Effect of expiration of a temporary statute.**

The expiration of a temporary statute shall not release or extinguish any penalty, forfeiture, or liability incurred under such statute, unless the temporary statute shall so expressly provide, and such statute shall be treated as still remaining in force for the purpose of sustaining any proper action or prosecution for the enforcement of such penalty, forfeiture, or liability.

**§ 14. Effect of the repeal of a statute by another statute substantially reenacting the former.**

The provisions of a law repealing a prior law which are substantial

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reenactments of provisions of such prior law shall be construed as a continuation of such provisions of such prior law, modified or amended according to the language employed, and not as new enactments.

### **§ 15. Effect of the repeal of a repealing statute.**

The repeal hereafter or by this Code of any provision of a statute which repeals any provision of a prior statute does not revive such provision of such prior statute.

### **§ 16. Effect of the repeal of an amending statute.**

The repeal hereafter of any provision of a statute which amends a provision of a prior statute leaves such prior provision in force unless the amendatory statute is a substantial reenactment of the prior statute amended.

### **§ 17. Effect of reference to statutes in effect prior to Code.**

Reference in any act of the Legislature or in any rule, regulation, or public document to an article, title, part, chapter, section, subsection, or other provision of the statutes of Liberia which are repealed by this Code shall be deemed and construed to refer to the corresponding part, chapter, subchapter, section, subsection, or other provision of such statutes in the Code, even though such provision has been modified and is contained in more than one title, part, chapter, subchapter, section, subsection, or other provision thereof.

### **§ 18. Construction of words and phrases: general.**

In the construction of all Liberian laws and statutes, including this Code, words and phrases shall be read and construed in their context

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and shall, unless inconsistent with the manifest intent of the Legislature or unless another of different meaning is expressly indicated, be given their usually accepted meaning according to the approved usage of the language. Technical words and phrases having a special or accepted meaning in the law shall be construed in accordance with such technical or special and accepted meaning.

### **§ 19. Construction of particular words and phrases.**

Unless a different meaning, is clearly required by the context, the following words and phrases shall be construed as hereinafter set forth:

(a) *Republic.* The word "Republic" shall be construed to mean the Republic of Liberia.

(b) *Legislature.* The word "Legislature" shall be construed to mean the National Legislature of the Republic of Liberia.

(c) *President.* The word "President" shall be construed to mean the President of Liberia.

(d) *Supreme Court.* The words "Supreme Court" shall be construed to mean the Supreme Court of the Republic of Liberia.

(e) *Probate Court.* The words "Probate Court" shall include all or the appropriate one of the following: the Probate Divisions of the Circuit Courts of Liberia, the Monthly and Probate Court of Montserrado County, the Provisional Monthly and Probate Courts of the Territory of Marshall and the District of Careysburg, and any other courts of comparable jurisdiction which may hereafter be established.

(f) *Code.* The word "Code" shall be construed to mean the Liberian Code of Laws of 1956, as defined in section I above.

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(g) *Person*. The word "person" includes a natural person, an administrator, executor, trustee, or other person acting for a natural person, a corporation, joint stock company or association, incorporated or registered association or society, cooperative society, a partnership, whether general or special, limited or unlimited, or any other association, society, or company; when used to designate a party whose property may be the subject of an offense, person also includes the Republic of Liberia or any other state, foreign or local government, or country which may lawfully own or possess property in this Republic.

(h) *Company or association*. The word "company" or "association," when used in reference to a corporation or any incorporated or registered association or joint stock company, includes the successors and assigns of such company or association.

(i) *Men*. The word "men" includes boys.

(j) *Women*. The word "women" includes girls.

(k) *Officer*. A reference to any officer shall include any person authorized by law to perform the duties of his office unless the context shows that such word was intended to be used in a more limited sense.

(l) *Writing*: written instrument. Except as to signatures, "writing" includes typewriting, and "written instrument (or document)" includes a typewritten instrument (or document).

(m) *Incompetent*. The word "incompetent" includes idiots, lunatics, insane persons, morons, and other persons determined by a court to be unable to manage themselves or their affairs due to a mental or psychological defect or deficiency.

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(n) *Chattel*. The word “chattel” includes goods and chattels.

(o) *Vessel*. Except as otherwise limited by express provision or by context, the word “vessel”, shall include every description of water craft or other artificial contrivance used, or capable of being used, as a means of transportation on water.

(p) *Vehicle*. Except as otherwise limited by express provision or by context, the word “vehicle” shall include every description of carriage or artificial contrivance used, or capable of being used, as a means of transportation on land.

### **§ 20. Construction of terms and punctuation.**

Unless a different meaning is clearly required by the context, the following shall be construed as set forth below:

(a) *Tense*. Words in the present tense include the future.

(b) *Number*. Words in the singular number include the plural, and words in the plural number include the singular.

(c) *Gender*. Words in the masculine gender include the feminine and the neuter gender and may refer to a corporation or to a board or other body or assemblage of persons; and, when the sense so indicates, words of the feminine gender or of the neuter gender may refer to any gender.

(d) *Hyphens*. When two numbers in the text of any law, including this Code, or in a schedule of repeaters are connected by a hyphen,

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both such numbers are included as well as all intermediate numbers.<sup>2</sup>

### **§ 21. Effect of outlines, cross-references, headnotes, rubrics, and source notes.**

In the construction of Liberian laws and statutes, including this Code, no outline or analysis of the contents of any title, part, chapter, subchapter, article, section, or either portion thereof, and no cross-reference, headnote, rubric, or source note to any section of such law or statute shall be deemed a part of such law or statute.

## ***Chapter 3. NON-STATUTORY LAW***

### **§ 40. Non-statutory law: derivation.**

Except as modified by laws now in force and those which may hereafter be enacted and by the Liberian common law, the following shall be, when applicable, considered Liberian law:

- (a) the rules adopted for chancery proceedings in England, and
- (b) the common law and usages of the courts of England and of the United States of America, as set forth in case law and in Blackstone's and Kent's Commentaries and in other authoritative treatises and digests.<sup>3</sup>

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#### **2 *Cross reference:***

Time: construction of provisions as to, see Civil Procedure L., ch. 1, subch. C.

**3 *Prior legislation:*** L. 1860, 72 (4th); OBB 113, *Judiciary*, art. VI, sec. 7; Acts 1846, Act to amend the judiciary act, sec. 9, 2 Hub. 1653; 1828 Code, Digest, Art. XIV, 2 Hub. 1272, 1282; 1824 Digest, 14th, 2 Hub 1269; and 1825 Const., art. VI, 2 Hub. 1264.

***Cross reference:*** Adoption of non-statutory general maritime law of the United States of



**Chapter 9. EFFECT OF THE CODE**

**§ 200. Laws repealed.** Subject to the provisions of sections 1, 11, 12, and 14-17 above, all legislative enactments from the time of the founding of the Colony of Liberia and prior to the Fourth Session of the Forty-Second Legislature, except local, special, and private acts, are hereby repealed, regardless of whether they are designated specifically among the statutes repealed in connection with the Titles of this Code; provided, however, that insofar as the provisions of this Code are inconsistent with any local, special, or private act passed prior to the enactment of the Code, the provisions of the Code shall be controlling. The following chapters enacted by the Fourth Session of the Forty-Second Legislature are also repealed:

Act to amend the act of the Legislature of 1890-91, page two, authorizing the Postmaster General to conclude with foreign postal administrations such money order conventions as shall be useful to the people of Liberia;

Act to amend the Internal Revenue Code as amended March 31, 1953 to repeal and abolish the general sales tax of three per centum;

Act to amend the luxury tax provisions of the Internal Revenue Code of 1937, as amended to February 13, 1953;

Act to amend an act entitled "An act declaring March 4 in each year being the Natal Day of President Joseph Jenkins Roberts a national holiday";

Act supplemental to an act relating to the military service of the *Republic of Liberia* approved February 20, 1940, entitled: "An act

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America, see Maritime L., sec. 30.

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authorizing and creating the Armed Forces Staff of the Republic of Liberia";

Act to create the Marshall Detachment of a regiment to be named and styled as the Eleventh Regiment in the Militia of the Republic of Liberia;

Act entitled: "An Act providing for compulsory military training";

Act to authorize censorship of movie films to be shown in the Republic of Liberia;

Act to amend and revise the rights, powers and capital requirements of "An act to create an Agricultural and Industrial Credit Corporation";

Act to authorize the Secretary of the Treasury to assist in underwriting the Nine-Year Development Program;

Act to control the exploitation, mining, purchase, sale, import, and export of diamonds, amending the act entitled, "An act to revise the mining law of the Republic of Liberia";

Act to authorize the setting up of a special commission to revise the Liberia official postal guide;

Act relating to immigration and naturalization;

Act creating the area of Kroo Coast in Maryland County, Republic of Liberia, a District and providing for the government of the same.

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### **§ 201. Effect of laws not expressly repealed.**

No provision of any Title of this Code shall supersede or repeal by implication or otherwise affect:

(a) any general law passed at the Fourth Session of the Forty-Second Legislature if not expressly repealed by section 200 of this Title; or

(b) any general law passed before the enactment of the Code at the same session of the Legislature at which the Code is enacted; or (c) any law passed after the enactment of the Code and before it takes effect.

### **§ 202. Separability clause.**

If any provision of this Code or any application of such provision to any person or circumstance shall be held unconstitutional or void, other provisions of the Code or the application of such provisions to persons or circumstances other than those as to which it was held unconstitutional or void shall not be affected thereby.

## ***Chapter 10. REPEALERS***

### **§ 210. Statutes repealed.**

The following statutes are hereby repealed:

1825 Const., art. VI, 2 Hub. 1264, 1824 Digest, 14th, 2 Hub. 1269 Acts 1846, Act to amend the judiciary act, sec. 9, 2 Hub. 1653, 1828 Code, Digest, Art. XIV, 2 Hub. 1272, 1282 OBB 113, Judiciary, art. VI, sec. 7 L. 1860, 72 (4<sup>th</sup>).