

WEASUA AIR TRANSPORT COMPANY, by and  
thru its Representative, Appellant, v. The  
Beneficiaries of the Intestate Estate of the late  
EMMETT J. SCOTT, by and through J.  
MONTGOMERY SCOTT, Administrator of the  
Estate and the BOARD OF GENERAL APPEALS,  
Ministry of Labour, Youth and Sports, Appellee.

APPEAL FROM THE CIRCUIT COURT FOR THE SIXTH JUDICIAL CIRCUIT,  
MONTSEERRADO COUNTY

Heard: March 25, 1981. Decided: July 29, 1981.

1. Every statute must be construed with reference to the object to be accomplished. Therefore, ordinarily, where the law-making power distinctly states its design, no place is left for construction, and when the Statute is plain in its language and the law unambiguous, there is nothing left for construction.
2. Earnings includes: (1) wages and any allowances in respect of increased cost of living paid to an employee; (2) the value of any food, fuel, or quarters supplied to the employee by the employer if, as a result of an occupational accident or disease, the employee is deprived of such food, fuel, or quarters; (3) any overtime payments or other special remuneration for work done, whether by way of bonus or otherwise, if of constant character or for work habitually performed.
3. Earnings do not include remuneration for intermittent overtime or casual payments of a non recurring nature or any *ex gratia* payment whether by the employer or by any other person or the value of traveling allowance or the value of any traveling concession or contribution paid by the employer to the employee to cover any special expenses incurred by him by the nature of his employment.
4. Courts have no authority to extrapolate the intent of the Legislature beyond the specific wording of a statute.
5. Statutes which refer to other statutes and make them applicable to the subject of the new legislation, are called 'reference statutes'. The purpose of such practice is to incorporate into the new act, the provisions of other statutes by reference and adoption, and thereby to avoid encumbering the statute books by unnecessary repetition.
6. In the absence of constitutional restrictions, reference statutes are frequently recognized as an approved method of legislation.
7. When the legislature undertakes to legislate specifically on a subject, it does so fully, and it cannot be deemed to have incorporated into the law, parts of a former law, unless the language employed is such as to indicate with a reasonable degree of certainty that that was the legislative intention.
8. The word "wages", in its ordinary acceptation, has a less extensive meaning than the word "salary", "wages" being ordinarily restricted to sums paid as

hire or reward to domestic or menial servants and to sums paid to artisans, mechanics, laborers, and other employees of like class, as distinguished from the compensation of clerks, officers of public corporations, and public officers. In many situations, however, the words 'wages' and 'salary' are synonymous.

9. It is within the province of the trial court to decide issues brought before it including the interpretation of the law.
10. Section 3555 of the Labor Practices Law was intended for wage earners in keeping with the language of said section. If the average monthly earning figure is known in the case of a salaried employee, Section 3555 will not be applicable.

These appeal proceedings emanate from the Civil Law Court for the Sixth Judicial Circuit, which had affirmed a workmen compensation award by the Board of General Appeals, Ministry of Labour, Youth and Sports, in the amount of \$38,400.00. in favor of co-appellee Intestate Estate. The records reveal that one Emmett J. Scott was a pilot serving in the employ of the Weasua Air Transport Company with a monthly salary of eight hundred (\$800) dollars. He met his death while on a flight for the company on June 16, 1979. His elder brother, J. Montgomery Scott, obtained letters of administration from the Monthly & Probate Court for Montserrado County to administer his intestate estate since the deceased was not married and was survived by his minor children who were his sole dependents. When the administrator of Emmet J. Scott's Estate, approached the appellant for the compensation due the estate, appellant addressed a letter to the Ministry of Labour, requesting that a proceeding be had to ascertain who the dependents of the deceased were and to determine the amount of compensation to be awarded them. In the letter to the Ministry of Labour, Youth and Sports, appellant indicated that the late Emmett Scott was earning a monthly salary of \$800.00, but he was quick to remind the Acting Chief of the Workmen's Compensation Section of the limitation imposed by the Liberian Labor Law, which provides that any monthly earning in excess of \$400.00 shall not be considered in calculating workmen's compensation.

A hearing was had at the Ministry of Labour, Youth and Sports; after which, the Acting Chief of the Workmen's Compensation Section ruled that the compensation to be paid be

based on the provisions in Sections 3551 and 3654. Appellant appealed to the Board of General Appeals of the Ministry of Labour, Youth and Sports, which affirmed the ruling of the hearing officer and awarded \$38,400.00 (\$800.00 x 48 months) as compensation payable to the beneficiaries of the late Emmett J. Scott. Being dissatisfied with the ruling of the Board of General Appeals, appellant further appealed to the then People's Civil Law Court for the Sixth Judicial Circuit, Montserrado County, for judicial review. The Civil Law Court, affirmed the ruling of the Board of General Appeals to which ruling appellant noted its exceptions and appealed to the Supreme Court.

Appellant's main contention on appeal is that subsection 3 of section 3555 of the Labor Law under calculation of average earnings also applies to Section 3551 under Compensation for Death because they both fall under Sub-chapter D, Compensation for Occupational Injury, and Chapter 36 of Workmen's Compensation, and therefore the calculation should be based upon \$400.00 per month as per the limitation provided in subsection 3 of section 3555 instead of \$800.00 per month. Appellant therefore contended that the amount due for the insurance benefit is \$19,200.00 and not \$38,400.00. Both appellant and appellee contended that there should be no resort to the ascertainment of legislative intent because the language of both sections of the statute was clear and therefore needed no further interpretation.

The Supreme Court held that the Board of General Appeals correctly decided that the Legislature could not have intended section 3555 (3) to be applied to section 3551 but sections 3554 and 3603, because the necessity to calculate average earning does not exist, in that the deceased earned a definite salary, which was \$800.00 per month. The Court also held that the ruling of the judge to the effect that section 3555 was intended for wage earners, is in keeping with the language of the said section because to calculate, is to find out before hand by any process of reasoning or to determine; but when the result for which the calculation is sought is known, then there is no need for calculation. If the average monthly earning figure is known as in the case of a salaried employee,

section 3555 will not be applicable.

Finally, the Supreme Court disagreed with appellants' contention that the limitation for computing compensation benefit for all classes of employees including those receiving salaries should be \$400.00 and that any excess of \$400.00 ought to be discarded. In view of the foregoing, the Supreme Court held that subsection 3 of section 3555 does not apply to section 3551, and accordingly *affirmed* the judgment of the Civil Law Court.

*Victor Hne and John Teewia* appeared for appellant. *M. Fahnbulleh Jones* appeared for appellees

MR. JUSTICE MORRIS delivered the opinion of the court.

This case has found its way before us on a ten-count bill of exceptions. The records reveal that one Emmett J. Scott was a pilot serving in the employ of the Weasua Air Transport Company with a monthly salary of eight hundred (\$800) dollars. He met his death while on a flight for the company on June 16, 1979. His elder brother, J. Montgomery Scott, obtained Letters of Administration from the Monthly & Probate Court of Montserrado County to administer his intestate estate since the deceased was not married and was survived by his minor children who were his sole dependents. The administrator through his counsel wrote the appellant company for the payment of the insurance benefit of the deceased for his minor children, the beneficiaries. Appellant then wrote the Workmen's Compensation Section of the Ministry of Labour, Youth and Sports on September 11, 1979, reporting the death of the late Emmett J. Scott. In appellant's letter, it indicated that the late Emmett Scott was earning a monthly salary of \$800.00 and requested that a proceeding to be had to ascertain who the dependents of the deceased were and further determine the amount of compensation to be awarded them. Appellant, in its letter also reminded the acting chief of the Workmen's Compensation Section of the limitation imposed by the Liberian Labour Law which provides that any monthly

earning in excess of \$400.00 shall not be considered in calculating workmen's compensation. Both parties were cited to the Workmen's Compensation Section of the Ministry of Labour, Ministry of Youth and Sports and after a hearing, the acting chief of this Section ruled that the compensation to be paid be based on the provisions of sections 3551 and 3654. Appellant appealed to the Board of General Appeals of the Ministry of Labour, Youth and Sports which affirmed the ruling of the hearing officer and awarded \$38,400.00 (\$800.00 x 48 months) as compensation payable to the beneficiaries of the late Emmett J. Scott. Being dissatisfied with the ruling of the Board of General Appeals, appellant appealed to the then Civil Law Court for the Sixth Judicial Circuit, now People's Sixth Judicial Circuit Court for Montserrado County, on a nine-count petition for judicial review. The returns and reply were filed, arguments *pro et con* heard and the judge affirmed the ruling of the Board of General Appeals, which ruling appellant again appealed, and, having complied with all jurisdictional steps, this case is now before us.

Appellant's main contention is that subsection 3 of section 3555 of the Labour Law under calculation of average earnings also applies to section 3551 under compensation for death because they both fall under subchapter D, Compensation for Occupational Injury and Chapter 36 of Workmen's Compensation and therefore the calculation should be based upon \$400.00 per month as per the limitation provided in subsection 3 of section 3555 instead of \$800.00 per month. According to appellant's contention, the amount due for the insurance benefit is \$19,200.00 and not \$38,400.00. In their arguments before us both counsel strongly contended that there should be no resort to the ascertainment of legislative intent because the language of the statute in both sections is clear and therefore needed no further interpretation. They cited the case *Roberts v. Roberts*, 7 LLR 358 (1942). In that case, the Court held in the majority opinion that every statute must be construed with reference to the object intended to be accomplished. Therefore ordinarily where the law-making power distinctly states its design, no place is left for construction. The Court also maintained in that opinion that when the statute is plain in its

language and the law unambiguous, there is nothing left for construction. We quote here below the two relevant sections of the Labour Law in issue for the benefit of this opinion:

"§ 3551. Compensation for death.

1. When an employee dies as the consequence of a compensable occupational injury, compensation shall be paid as set forth in this section.
2. If the deceased employee leaves any dependents wholly dependent upon his earnings, the amount of compensation shall be a sum equal to 48 months earnings.
3. If the deceased employee leaves no dependents who are wholly dependent on him, but only dependents who are partially dependent on his earnings, the Board shall award such compensation as it shall, after hearing representations by all interested persons, deem just, which compensation shall not be less than 20% nor more than 80% of the amount which would be awarded under subsection 2 above.
4. If the deceased employee leaves no dependents, the employer shall provide a coffin and pay any other reasonable funeral expenses not in excess of \$50.00. He shall also be liable for any expenses set forth in section 3556 below which have been incurred in consequence of the accident which caused the decedent's death.
5. If a deceased employee was, prior to his death, compensated for incapacity resulting from the occupational injury which subsequently caused his death, the amount of such compensation paid shall be deducted from the amount of compensation due under this section.
6. Compensation shall be paid in the manner set forth in section 3658.
7. Except as otherwise provided in subsection 4 above, the employer shall, in every case to which this section is applicable, provide the coffin and \$50.00 for the funeral expenses of the deceased employee; and in every case he shall pay the reasonable medical expenses, if any, incurred in connection with the deceased employ-

ee's injury which resulted in his death, in accordance with the provisions of §3556."

§ 3555. Calculation of average earnings.

1. If the injured or deceased employee worked for the same employer at substantially the same kind of work for a year, his average monthly earnings shall be computed by dividing his annual earnings by 12, and his average weekly earnings shall be computed by dividing his annual earnings by 52. Daily earnings shall in such case be computed by dividing the average weekly earnings by the average number of days worked per week.
2. If the injured or deceased employee did not work for the same employer at substantially the same kind of work per year, his earnings shall be based on the average earnings, which, during the twelve months prior to the injury, were earned by a person in the same grade, class, or district, employed at the same work by the same employer.
3. Any excess of earnings over four hundred dollars per month shall not be taken into account in computing compensation benefits. (Added May 1, 1963)."

From the above quotations, we observed that section 3551 is compensation for death while section 3555 is calculation of average earning. The provision of section 3551 makes reference to sections 3556 and 3658 and not section 3555. Earnings is defined by the statute thus:

"Earnings" includes wages and any allowance in respect to increased cost of living paid to an employee; the value of any food, fuel, or quarters supplied to the employee by the employer if, as a result of an occupational accident or disease, the employee is deprived of such food, fuel, or quarters; any overtime payments or other special remuneration for work done, whether by way of bonus or otherwise, if of constant character or for work habitually performed, but not including remuneration for intermittent overtime or casual payments of a non recurring nature or any *ex gratia* payment whether by the employer or by any other person or the value of

traveling allowance or the value of any traveling concession or contribution paid by the employer to the employee to cover any special expenses entailed on him by the nature of his employment.

The issue before us is not the uncertainty or the questionableness of the accuracy of the exact monthly earning figure of the late Emmett J. Scott that would result to computation for his average earning; nor are the beneficiaries of the late Emmett J. Scott contending for more than his monthly salary of eight hundred (\$800.00) dollars which would have necessitated an investigation to ascertain if he were regularly receiving other benefits to warrant the calculation of his average earning. Instead, his monthly salary is a fixed figure which needs no calculation.

With reference to the argument that the Act of the Legislature, approved May 1, 1963, amending section 3555, by adding thereto a new sub-paragraph to be sub-paragraph 3, being applicable to section 3551, this Court has no authority to extrapolate the intent of the Legislature beyond the specific wording of a statute. *George v. Republic*, 14 LLR 158 (1960). Subsection 3, in our opinion, is an amendment to section 3555 and not section 3551, for if the Legislature intended to amend section 3551 or any other sections by their Act of May 1, 1963, the Legislature would have so declared by reference to such section or sections in said Act. Section 3551(6) stipulates that compensation shall be paid in the manner set forth in section 3658, whilst section 3658 makes no reference to section 3555. It has been held that "statutes which refer to other statutes and make them applicable to the subject of the new legislation, are called 'reference statutes'. The purpose of such practice is to incorporate into the new act, the provisions of other statutes by reference and adoption, and thereby to avoid encumbering the statute books by unnecessary repetition. In the absence of constitutional restrictions, reference statutes are frequently recognized as an approved method of legislation. It is, however, reasonable to suppose that when the legislature undertakes to legislate specifically on a subject, it does so fully, and it cannot be deemed to have incorporated into the law, parts of a former law, unless the language



employed is such as to indicate with a reasonable degree of certainty that that was the legislative intention. 50 AM. JUR., *Statutes*, § 36. We also quote the Act of Legislature approved May 1, 1963:

"An Act to Amend the Labor Practice Law with Respect to the Calculation of Average Earnings in Determining a Limit for Workmen's Compensation,

It is enacted by the Senate and House of Representative of the Republic of Liberia, *in Legislature Assembled*:

Section I. Section 3555 of Chapter 36, "Workmen's Compensation" of the Labor Practice Law is hereby amended by adding thereto a new sub-paragraph to be sub-paragraph '3', to read as follows:

3. Any excess of earning over four hundred dollars per month shall not be taken into account in computing compensation benefits.

Section 2. This Act shall take effect immediately upon publication in handbills.

Any law to the contrary notwithstanding.

Approved May 1, 1963."

The salient points raised in appellant's bill of exceptions are: that section 3555 provides the formula for calculation of workmen's compensation and therefore applies to all the sections relating to the payment of fixed compensation for more important services. By some of the authorities, it has been noted that the word "wages", in its ordinary acceptation, has a less extensive meaning than the word "salary", "wages" being ordinarily restricted to sums paid as hire or reward to domestic or menial servants and to sums paid to artisans, mechanics, laborers, and other employees of like class, as distinguished from the compensation of clerks, officers of public corporations, and public officers. In many situations, however, the words "wages" and "salary" are synonymous. 35 AM. JUR. § 63, pp. 496-497.

The Board of General Appeals correctly decided that the Legislature could not have intended section 3555 (3) to be applied to section 3551 but sections 3554 and 3603 because the necessity to calculate average earning does not exist, for the deceased earned a definite salary which was \$800.00 per

month. This, we are of the opinion, is not a disjointed ruling as contended by appellant, because the reference to section 3601 and section 3551, simply states that compensation for death arising from occupational disease shall be paid in the manner set forth in section 3551 for death due to occupational injury.

It is within the province of the Court to decide issues brought before it including the interpretation of law. We also hold that the ruling of the judge to the effect that section 3555 was intended for wage earners, is in keeping with the language of said section because to calculate, is to find out before hand by any process of reasoning or to determine; but when the result for which the calculation is sought is known, then there is no need for calculation. If the average monthly earning figure is known as in the case of a salaried employee, section 3555 will not be applicable. The argument that the judge construed into the law what is not there, thereby bringing into issue legislative intent, is not conceded.

As we have earlier intimated in this opinion, the ten-count bill of exceptions centered around the contention that subsection 3 of section 3555 applies not only to section 3555 but to section 3551 as well. Subsequently, the limitation for computing compensation benefit for all classes of employees including those receiving salaries should be \$400.00 and any excess of \$400.00 ought to be discarded. With this conception in view, the appellant strenuously argued that the excess of the \$400.00 should not be considered in calculating the compensation benefit for the late Emmett J. Scott in favour of the beneficiaries. We disagree with appellant's contention and hold that subsection 3 of section 3555 does not apply to section 3551.

In consideration of the foregoing, it is our opinion that the ruling of the judge of the lower court be and the same is hereby affirmed with costs against the appellant. And it is hereby so ordered.

*Judgment affirmed.*