

LIBERIAN CODE OF LAWS REVISED

*Prepared for the Republic of Liberia
by the Liberian Codification Project
Cornell University*

UNDER DIRECTION OF
MILTON R. KONVITZ

LIBERIAN CODE
OF LAWS REVISED

*Adopted by the Legislature of the
Republic of Liberia*

PUBLISHED UNDER AUTHORITY OF
THE LEGISLATURE OF LIBERIA AND
PRESIDENT

WILLIAM R. TOLBERT, JR.

Volume I

CONSTITUTION

TITLE 1: CIVIL PROCEDURE LAW

TITLE 2: CRIMINAL PROCEDURE LAW

CORNELL UNIVERSITY PRESS

ITHACA, NEW YORK, U.S.A.

Copyright © 1973 by the Government of Liberia
under the laws of the Republic of Liberia

First published February 1, 1973

This work was designed and produced by Cornell University Press from manuscript that had been prepared by the staff of the Liberian Codification Project, at Cornell University, of which Milton R. Konvitz was Director, Margaret Rosenzweig was Director of Research, and Milton Koss, Robert Chasen, and the late Steven L. Werner were Research Associates.

International Standard Book Number 0-8014-0709-5

PRINTED IN THE UNITED STATES OF AMERICA
BY VAIL-BALLOU PRESS, INC.

*Librarians: Library of Congress cataloging information
appears on the last page of the book.*

CONTENTS

| | |
|---|------|
| Complete List of Titles, Liberian Code of Laws Revised | vii |
| Abbreviations and Explanations | ix |
| Preface, by Clarence L. Simpson, Jr. | xi |
| Foreword, by James A. A. Pierre | xiii |
| Introduction, by Milton R. Konvitz | xv |
| The President, the Vice President, and members of the Legislature | xxi |
| Validation | xxv |
| | |
| Constitution | 3 |
| | |
| Title 1. Civil Procedure Law | 19 |
| Appendix I. Pleading Forms | 287 |
| Appendix II. Summons on Service by Publication | 299 |
| | |
| Title 2. Criminal Procedure Law | 301 |
| | |
| Indexes | |
| Constitution | 449 |
| Civil Procedure Law | 454 |
| Criminal Procedure Law | 474 |

COMPLETE LIST OF TITLES
LIBERIAN CODE OF LAWS REVISED

1. Civil Procedure Law
2. Criminal Procedure Law
3. Agriculture Law
4. Aliens and Nationality Law
5. Associations Law
6. Banking Law
7. Commercial and Bankruptcy Law
8. Decedents Estates Law
9. Domestic Relations Law
10. Education Law
11. Election Law
12. Executive Law
13. Foreign Relations Law
14. General Business Law
15. General Construction Law
16. Insurance Law
17. Judiciary Law
18. Labor Law
19. Legislative Law
20. Local Government Law
21. Maritime Law
22. National Defense Law
23. Natural Resources Law
24. Patent, Copyright, and Trademark Law
25. Patriotic and Cultural Observances Law
26. Penal Law
27. Postal Service Law
28. Private Wrongs Law

29. Property Law
30. Public Authorities Law
31. Public Contracts Law
32. Public Employment Law
33. Public Health Law
34. Public Lands Law
35. Public Safety Law
36. Revenue and Finance Law
37. Transportation and Communications Law
38. Vehicle and Traffic Law
39. Zoning Law

ABBREVIATIONS AND EXPLANATIONS

| | |
|------------------------------|--|
| <i>Acts</i> | Acts of the Governor and Council of Liberia, 1839–1847, set forth in 2 Hub. 1370–1451 and 1632–1667 |
| <i>app.</i> | approved |
| <i>art.</i> | article |
| <i>ch.</i> | chapter |
| <i>Com. L.</i> | Statute Laws of the Commonwealth of Liberia and Plan of Civil Government, set forth in 2 Hub. 1344–1360. Last number following “Hub.” is page on which cited law commences. |
| <i>Const.</i> | Constitution (if no date follows, reference is to present Constitution) |
| <i>Crim. Code</i> | Criminal Code of 1914, effective 1919 |
| <i>Criminal Code of 1900</i> | Session laws of 1899–1900, pages 1–18 |
| <i>CrPL</i> | Criminal Procedure Law, approved May 9, 1970, title 2 of Liberian Code of Laws Revised. Citation following is to title 2 of that Code and, following the colon, to the section number of that title. |
| <i>(E. S.)</i> | Extraordinary Session |
| <i>eff.</i> | effective |
| <i>1824 Digest</i> | Digest of the Laws in force in the Colony of Liberia on August 19, 1824, set forth in 2 Hub. 1268–1270 |
| <i>1828 Code</i> | Code of Laws at Liberia (1828), set forth in 2 Hub. 1272–1299 |
| <i>1841 Digest</i> | Laws of the Commonwealth of Liberia, ratified by Governor and Council 1841, published 1843; set forth in 2 Hub. 1459–1629 |
| <i>Hub.</i> | Huberich, Charles Henry, <i>The Political and Legislative History of Liberia</i> , Central Book. Co., New York, |

| | |
|--|--|
| | 1947. Number preceding "Hub." refers to the volume; number following, to the page. |
| <i>J. P. Code</i> | Code of Justices of the Peace, adopted by L. 1907-08, 16 |
| <i>L.</i> | (1) Session Laws of the years stated. Cardinal number following, when not preceded by section sign, refers to page on which cited statute commences. A citation in parenthesis following a reference to a session law is to the title of the 1956 Code and, following the colon, to the section number of that title. (2) A title of the Liberian Code of 1956. |
| <i>1956 Code</i> | Liberian Code of Laws of 1956, approved Mar. 22, 1956, published 1957. Citation following is to the number of title of 1956 Code and, following the colon, to the section number of that title. |
| <i>1957-58 Supp.</i> | Cumulative Supplement, Volume V, of Liberian Code of Laws of 1956, published 1960. Citation following is to number of title of 1956 Code and, following the colon, to the section number of that title. |
| <i>OBB</i> | Old Blue Book. Page reference is to page on which statute, chapter, or article commences. |
| <i>ord.</i> | ordinance |
| <i>ordinal</i> <i>number in</i> <i>parentheses</i> | When more than one statute, act, or ordinance commences on the same page, the ordinal number in parentheses indicates which statute, act, or ordinance is cited. |
| <i>par.</i> | paragraph |
| <i>pt.</i> | part |
| <i>Rev. Stat.</i> | Revised Statutes of 1911, adopted by L. 1929, ch. VII, insofar as they did not conflict with existing statutes |
| <i>sent.</i> | sentence |
| <i>subsec.</i> | subsection |
| <i>t.</i> | title |
| § | section |

PREFACE

This great work was commenced during the term of Attorney General James A. A. Pierre. I am grateful to President W. R. Tolbert, Jr. for the opportunity which he has given me to associate myself with this admirable Project in presenting it to the public.

The *Liberian Code of Laws Revised* replaces the *Liberian Code of Laws of 1956*, including the 1957-58 supplement, and contains all amendatory changes up to the date of enactment of the statute validating the Code at the present session of the Legislature.

The *Liberian Code of Laws of 1956* and the supplement consisted principally of laws that were the result of a century's legislative enactments, but there were also many instances where portions of that Code constituted amendments to the theretofore existing body of laws.

The usefulness of the Code has been demonstrated, but the need for its replacement is obvious. The increase in legislative amendments and judicial interpretations have made preparation and publication of the new Code a matter of some urgency for the Government, institutions, and people of the Republic of Liberia.

This new Code incorporates all laws that have been enacted since publication of the earlier Code. It also reflects the many revisions of numerous laws that were part of the old Code and omits laws that have become outmoded. The *Liberian Code of Laws Revised* brings, therefore, many new dimensions and clearer definitions and articulations to Liberian substantive law, and at the same time brings visionary changes to our procedural law. The new Code represents a complete revision of the existing statutory law of Liberia formulated with a view to its culture and traditions, its growing economy, and its place in the modern world. Much of the previously enacted law has been retained because it was suited to present needs; but much has been added to create a fully developed body of statutory law to meet the new requirements of the nation.

The revised Code of Laws represents the combined products of the highest legal talent, represented by the Liberian Codification Project, Cornell University, of which Dr. Milton R. Konvitz is Director, the Codification Division of the Ministry of Justice, and the Codification Commission of Liberia. The legal profession and the public will be greatly benefited by this work.

CLARENCE L. SIMPSON, JR.
Attorney General of Liberia

Monrovia, Liberia
February 1, 1972

FOREWORD

The preparation and publication of this work, in six volumes, is a continuation of the Liberian Codification Project, a joint effort, commenced in 1952, in which the United States and Liberian governments, with Cornell University, decided to prepare a Code of Laws for Liberia. Besides strengthening the system of justice according to law, a Code of Laws was foreseen by the late President Tubman as imperative for an effective Open Door Policy, which he had initiated and upon which his administration had embarked. The result of this early beginning was to produce the *Liberian Code of Laws of 1956* in four volumes; later, in 1960, a Cumulative Supplement was published as a fifth volume.

Although this Code filled a need at the time, its main purpose was to gather and codify all of the statutes and other laws of the country, which until 1952 were uncollected and in many cases difficult to find. This work was the realization of what Professor Milton R. Konvitz of Cornell University, Director of the Project, with his staff of American lawyers, from the very beginning had projected for Liberia, and stands as proof of the high quality of the legal ability and dedication of the Project staff. The uses to which this Code has been put, in the practice of law in Liberia and in the general administration of the Government, are proof of the valuable contribution this work has made to the needs of the country.

As the country has developed, and as business has expanded and become more complex, the urgent need has been felt for modernizing the Code to serve the rapidly increasing requirements of society, and to bring court procedures in the country into line with modern practice. This need has been felt not only by the Administration, but also by the legal profession and by business concerns as well. Thus the task of preparing a revised Code of Laws for Liberia was again offered to Professor Konvitz and his staff, and, as a result of strenuous labor

and tedious research undertaken by them, the present work under the title *Liberian Code of Laws Revised* has been produced.

The Government and people of Liberia will always be grateful to Professor Konvitz, as Director of the Project, and to his staff of able and devoted lawyers, who have made outstanding contributions to our welfare and advancement.

JAMES A. A. PIERRE
Chief Justice
Supreme Court of Liberia

Monrovia, Liberia

INTRODUCTION

The work on this *Liberian Code of Laws Revised* was begun, in a sense, in 1847, when Liberia became a Republic and its Legislature began to enact laws. For all law, as Carlyle said, is "a tamed furrow-field, slowly worked out, and rendered arable, from the waste jungle of Club-law." The draftsmen of this Code gladly acknowledge the great quantity of work done by countless Liberians, now forgotten, who laid the foundations that give the support that this legal edifice requires.

This is the second Code prepared by the Liberian Codification Project in a score of years. The first—*Liberian Code of Laws of 1956**—was a codification of all the statutes of the Republic of Liberia enacted from 1847 to 1958 other than private or repealed acts. When that work was undertaken, we were under no illusion as to its life expectancy; for Liberia, under the leadership of President Tubman, had committed itself to a program of economic and social development, and so we knew that the legal order of the country would need to be radically and rapidly changed if the law was not to retard and distort Liberia's development.

The legal order as reflected in the first Code had served a simpler social order—the first century in the history of the Republic, when there were practically no automobiles or trucks, no roads through the hinterland, no industries, few schools, no university, no Liberian-born doctors or pharmacists, no seaport, and no airport. But this state of underdevelopment is to be viewed against the fact that Liberia and Ethiopia were then the only Negro independent nations in Africa—Ghana became the first Negro colony to gain independence, and this happened as recently as 1957. Nor should we forget, in this context,

* Published in four volumes in 1957 by Cornell University Press. A fifth volume was published as a Cumulative Supplement in 1960, also by Cornell University Press.

that the conception of foreign aid to underdeveloped nations was unheard of before President Harry S. Truman projected his Point Four Program in 1949.

In Liberian history, the first economic breakthrough happened when Firestone Tire and Rubber Company, in 1926, acquired a million acres for rubber plantations, and a few years later extended its medical and educational services to Liberians. The second breakthrough came during World War II, when American money and manpower flowed in, and Robertsfield Airport and the new seaport at Monrovia were built. By 1966, Liberia had become one of the world's largest producers of high-grade iron ore. Liberia's exports in 1968 totaled \$165 million. By the year 1970, Liberia had some nine hundred elementary and secondary schools, and the University of Liberia had about eight hundred students. Some twenty thousand motor vehicles were using twelve hundred miles of surfaced highways. Liberia at the end of the 1960's had nine radio stations and over 150,000 receivers. Monrovia had grown from a small waterfront town to a busy, thriving, bustling capital city—with the attendant problems that follow in the train of urbanization. The Government and people of Liberia responded energetically to the new opportunities and brought to their new tasks vision, enthusiasm, and a sense of responsibility and discipline.

The purpose of this brief summary of the changes that have come about in Liberia is to underscore the reasons for the inadequacy of the first Code and the imperative need for this second Code. The administration of justice could no longer be at the pace that may have been tolerable in the leisurely days of the nineteenth century; and the substantive laws could not be left to serve as a glaring example of cultural lag. With perhaps over 100,000 members of the work force within the money economy, Liberia was in need of labor laws that would satisfy the high social standards of the International Labor Organization and the demands of trade unions. If there were thousands of motor vehicles, insurance laws were needed. If over \$100 million were to be spent on imports of machinery, transportation equipment, and manufactured goods, a modern tariff law and modern regulations were required. These are examples chosen at random—they suffice to expose Liberia's desperate need of a new Code that would adequately reflect the country's development, answer its needs, and perhaps even anticipate, to a degree, fulfillment of its promise. For—touching the last point—while a law may be good when it fits an ex-

isting situation, it is better if it fits not too tightly but only loosely, and allows for growth, for newness.

The staff of the Liberian Codification Project began work on the new Code as soon as the first Code was completed; and the Legislature enacted new laws as they were drafted. The result is that we cannot publish at one time all six volumes of the new Code; but it is anticipated that within several years the complete Code will be available.

Much of the credit for the Code belongs to President Tubman, whose initiative created the Liberian Codification Project, and whose continuing interest and encouragement sustained it. The Code is a tribute to his leadership from the time of his first election in 1943 to his death on July 23, 1971.

It was President Tubman who, in 1951, applied to the Technical Cooperation Administration (now the U.S. Agency for International Development) for the technical and economic assistance that would produce a Code of Laws for Liberia. Since 1955, however, the Government of Liberia has alone maintained the Codification Project, under successive three-year agreements with Cornell University. The Liberian Codification Project was the first legal project set up under the United States foreign aid program—it was, I believe, also the first project of a social-science character; and it is, I suspect, the oldest American technical assistance project in existence.

Completion and publication of this new Code of Laws take place in the administration of President Tolbert, who will, we trust, find the Code a source of just satisfaction and pride, an indispensable tool for the development of the country, with all its natural and human resources, and necessary for the sustaining and enhancement of human rights and values, including, pre-eminently, the rule of law.

The Code owes a good deal to the sustained interest and support of the Honorable James A. A. Pierre, Chief Justice of the Supreme Court of Liberia since April 22, 1971, and before that Attorney General of the Republic of Liberia. In countless ways the Project is indebted to him—for his practical and moral support, his personal interest and devotion, his sense of identification with our purposes and efforts, his invariant and genuine courtesy, his encouragement in moments of difficulty. For these qualities and acts, and for much more, we are deeply grateful. We are also eager to record our sense of gratitude to his predecessors in the office of Attorney General: Honorable C. Abayomi Cassell, Honorable Joseph J. F. Chesson, Honorable J. Dossen Richards, and

Honorable Joseph W. Garber,* and to his successors in that office: Honorable George E. Henries and Honorable Clarence L. Simpson, Jr.†

We wish to thank also the distinguished members of the bar who have served, by Presidential appointment, as members of the Liberian Codification Commission over the span of two decades: Honorables Toye C. Barnard, Roland Barnes, James Bull, Daubeny B. Cooper,* Momolu S. Cooper,* C. Cecil Dennis, Joseph Findley, Joseph W. Garber,* J. Newton Garnett, George E. Henries, S. Raymond Horace, Edward R. Moore, Lawrence A. Morgan, James A. A. Pierre, J. Dossen Richards, and Rocheforte L. Weeks. These officials met often with the staff to consider proposals and drafts, at work conferences in Monrovia, Ithaca, or New York City, and have given indispensable advice and guidance. Special mention should be made of the helpful role of the Honorable Roland Barnes, Solicitor General, and the Honorable J. Newton Garnett, Assistant Attorney General.

Finally, it is with deep personal feeling that I acknowledge the devotion and dedication of the staff—Mrs. Margaret Rosenzweig, Director of Research, and Milton Koss, Robert Chasen, and Steven L. Werner,‡ Research Associates, whose professional skill and competence have made their mark on every statute that is part of this Code. The Project owes a special debt to Mrs. Rosenzweig, who first joined the staff in 1953 and whose personal qualities of mind and character have set a high professional standard that allows for no short cuts or compromises in quality, quantity, and integrity of product. I also acknowledge gratefully our debt to Mrs. Maxine Henry, stenographer and secretary to the Project, for her very considerable contribution.

The Project is grateful also to Cornell University, and more particularly to the New York State School of Industrial and Labor Relations, a contract college of the State University at Cornell, for giving the Project a hospitable home—"a local habitation and a name"—and for affording the Project administrative aids that have contributed to the satisfaction of the staff and have expedited its work.

In his *Signs of the Times*, Carlyle said that a "new trade" called "Codification" had arisen in the world because it was believed that if

* Deceased.

† On September 14, 1971, Mr. Simpson, until then Associate Justice of the Supreme Court, became Attorney General, and was replaced on the Supreme Court by Mr. Henries.

‡ Died, April 16, 1971.

the fabric of law could be contrived aright, without further effort the “divine spirit of Freedom, which all hearts venerate and long for, will by itself come and inhabit the law, and then under the power of the law every noxious influence will wither, every good and salutary one [will] more and more expand.” This was written a century and a half ago. Today we know that the relations between law and freedom are much more subtle and complex. Each is the parent and each is the child of the other. Tyranny needs naked power, not the rule of law. But without law, there is neither freedom nor justice. A free and just society needs the rule of law even as a man needs air to live.

It is in this belief that the Liberian Codification Project has done its work, and it is in this belief that the Government of the Republic of Liberia has supported and continued the Project for two decades and has, with ample faith and trust, accepted the fruit of our labor.

MILTON R. KONVITZ, *Director*
Liberian Codification Project
Cornell University

Ithaca, New York

The President, the Vice President, and the members of the Legislature of the Republic of Liberia when the *Liberian Code of Laws Revised*, Volume I, was adopted:

President: WILLIAM R. TOLBERT, JR.

Vice President: JAMES E. GREENE

SENATE

President Pro Tempore: Frank E. Tolbert, Sr.

Montserrado County

Frank E. Tolbert

D. W. B. Morris

Grand Bassa County

Levi H. Martin

Joshua L. Harmon

Sinoe County

Lawrence E. Mitchell

Harrison Grigsby

Maryland County

W. V. S. Tubman, Jr.

D. Wah Hne

Grand Cape Mount County

Isaac A. David

Urias B. Freeman

Grand Gedeh County

David N. Towah

Harry K. H. Carngebe

Nimba County

Johnny Voker

Catherine B. Cummings

Bong County

J. Botoe Z. Barclay

Elizabeth K. Collins

Lofa County

Willie Belleh

Ernest Liberty

HOUSE OF REPRESENTATIVES

Speaker: Richard A. Henries*Montserrat County*

J. C. N. Howard
 Alfred J. Raynes
 Robert I. E. Bright
 J. Anthony Roberts
 Samuel B. Cole
 J. Gbaffen Davies
 Ethel C. B. Dunbar
 Arthur B. Cassell, Sr.
 Charles H. D. Simpson
 James W. Brown
 Johnny G. Holder

Grand Bassa County

Hannibal L. Brumskine
 Jacob H. Willis
 Nepay Gbia-Wheh Sakum
 Clifford C. Reeves
 Edward J. Harris
 Milton P. Artis

Sinoe County

J. Dominic Bing
 Henry C. Williamson, Jr.
 T. Edwin Swen
 William G. Boyenneh
 Delsena J. King Draper
 Joseph S. Slewro

Maryland County

J. Hilary Brewer
 Alfred T. Thompson
 E. J. Hutchins
 Sally Hnee Howe
 A. Panella Pearson
 John Whi-Wa Bedell

Grand Cape Mount County

Frank F. Gailor

Edwin O. Fahnbulleh
 John D. Gray
 Edward D. E. Hoff
 M. Fahnbulleh Jones
 Daniel V. N. Cooke

Bong County

Quelleh Gwee
 Barsee Kpaingbai
 Melville F. Harris, Sr.
 Joseph N. Cooper
 Wesseh Gardea
 Momo N. Kaine

Nimba County

J. Nyema Constance
 Benjamin Y. Tuazama
 Gblorsuo Toweh
 Mamadee S. Sackor
 Peter G. Dorliae
 Jimmy Gborplay

Grand Gedeh County

Samuel T. Doboyou
 Silas P. Rue
 Thomas T. Toomey
 Edmund B. Gibson
 M. Poka Harris, Sr.
 Saydee J. Totaye

Lofa County

Jusu Dunor
 Boimah K. Morris
 James B. Tellewoyan
 Ambolai Sarnor
 Mama Dukuly
 Henry H. Saa

Marshall Territory

Emma L. Campbell

Bomi Territory

C. C. Dennis, Sr.

River Cess Territory

W. J. M. Bowier

Sasstown Territory

Francis F. Doh

Kru Coast Territory

Jacob S. Nma

THE LAW VALIDATING VOLUME I OF THE LIBERIAN CODE OF LAWS REVISED

AN ACT TO GIVE LEGAL EFFECT AND VALIDITY
TO THE TITLES CONTAINED IN VOLUME I OF
THE LIBERIAN CODE OF LAWS REVISED

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

SECTION 1. The titles contained in Volume I of the Liberian Code of Laws Revised are hereby adopted as the law of the Republic of Liberia and are declared to be in full force and effect and to replace all general statutory enactments amending the Civil Procedure Law and Criminal Procedure Law or either to the date this Act becomes law.

SECTION 2. This Act shall take effect immediately on publication by Cornell University Press of Volume I of the Liberian Code of Laws Revised.

Any law to the contrary notwithstanding.
Approved May 8, 1972.