

[AS REPORTED FROM THE EDUCATION COMMITTEE]

House of Representatives, 23 October 1957

Words struck out by the Education Committee are shown in italics within bold round brackets or in roman enclosed in panel; words inserted are shown in black within bold square brackets or in roman with rule down side.

Hon. Mr Algie

TARANAKI SCHOLARSHIPS TRUST BOARD

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A BILL INTITULED

An Act to incorporate the Taranaki Scholarships Trust Board, and to provide for the administration of the Taranaki Scholarships endowment and the award of scholarships

5 **BE IT ENACTED** by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:

1. **Short Title and commencement**—(1) This Act may be cited as the Taranaki Scholarships Trust Board Act 1957.

10 (2) Part II of this Act shall come into force on the first day of January, nineteen hundred and fifty-eight.

2. Interpretation—In this Act, unless the context otherwise requires,—

“Board” means the Taranaki Scholarships Trust Board constituted under this Act:

“Chairman” means the Chairman of the Board: 5

“Taranaki Scholarship” means a Taranaki Scholarship awarded under section eleven of this Act:

“Taranaki Post-graduate Scholarship” means a Taranaki Post-graduate Scholarship awarded under section fourteen of this Act. 10

PART I

CONSTITUTION OF BOARD

3. Constitution of Board—(1) There is hereby established for the purposes of this Act a Board, to be called the Taranaki Scholarships Trust Board. 15

(2) The Board shall consist of—

(a) One member who at the time of his election to the Board shall be a member of the House of Representatives for an electoral district that contains any part of the Provincial District of Taranaki and who shall be elected by such of the members of the House of Representatives as for the time being represent electoral districts that contain any part of that Provincial District: 20

Provided that in the event of an equality of votes on any such election the Minister of Education shall have a casting vote: 25

(b) The Vice-Chancellor of the University of New Zealand:

(c) One member to be appointed by the Senate of the University of New Zealand: 30

(d) One member to be appointed by the Taranaki Education Board:

(e) One member to be appointed in respect of each post-primary school (including a private school) in the Provincial District of Taranaki that has for the time being not less than five hundred **[full time post-primary]** pupils, which appointment shall in each case be made by the governing body of the school: 35

Provided that the Taranaki Education Board shall not be entitled to appoint a member under this paragraph. 40

(3) The Board shall be a body corporate with perpetual succession and a common seal, and shall be capable of holding real and personal property, and of suing and being sued, and of doing and suffering all that bodies corporate may do
5 and suffer.

(4) The Board shall be deemed to be a local authority for the purposes of the National Provident Fund Act 1950 and section six of the Finance Act (No. 2) 1941.

(5) Except as provided in section five of this Act, every
10 appointed or elected member of the Board shall hold office for a term of three years, but may from time to time be re-appointed or re-elected.

4. Appointments and elections—(1) The first appointments and elections of members of the Board shall in every case be
15 made or held not later than the thirty-first day of December, nineteen hundred and fifty-seven.

(2) The following provisions shall apply in respect of the appointment of members under paragraph (c) of subsection two of section three of this Act by the governing bodies of
20 post-primary schools:

(a) The right of any governing body to appoint a member in respect of any school controlled by it shall be determined by the roll of the school on the first day of March immediately preceding the date of the appointment:
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(b) Every such member shall be a person who, at the time of his appointment, is ordinarily resident in the Provincial District of Taranaki, but need not be a member of the governing body which appointed him.
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New

(3) Elections under paragraph (a) of subsection two of section three of this Act shall be held at such times and in such manner as may from time to time be prescribed by the
35 Minister of Education.

(4) The first appointments and election of members of the Board shall in each case be notified in writing to the Vice-Chancellor of the University of New Zealand by the body making the appointment or the person conducting the
40 election.

5. Casual vacancies—(1) If any person, while an appointed or elected member of the Board,—

(a) Dies; or

(b) Resigns his office by writing under his hand delivered
45 to the Board or the Chairman; or

- (c) Is adjudged a bankrupt; or
- (d) Becomes a mentally defective person within the meaning of the Mental Health Act 1911; or
- (e) Is convicted of any offence punishable by imprisonment,—

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his office shall be thereby vacated, and the vacancy thereby created shall be deemed to be a casual vacancy.

(2) Every such casual vacancy shall be filled by the appointment or election of a new member in the manner in which the appointment or election to the vacant office was originally made. Every person so appointed or elected shall be appointed or elected for the residue of the term for which his predecessor was appointed or elected.

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(3) If on the first day of March in any year the number of [full time post-primary] pupils on the roll of any school in respect of which a member of the Board has been appointed or elected under paragraph (c) of subsection two of section three of this Act is less than five hundred, that member shall vacate his office on the thirty-first day of December next following or upon the earlier expiry of his term of office, and shall not be replaced until the governing body of the school again acquires a right to appoint a member in respect of the school in accordance with paragraph (a) of subsection two of section four of this Act.

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(4) Unless he sooner vacates his office as provided in the foregoing provisions of this section, every member of the Board shall continue in office until his successor comes into office, notwithstanding anything to the contrary in this Act.

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(5) The powers of the Board shall not be affected by any vacancy in the membership thereof.

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6. Chairman of Board—(1) The Board shall from time to time elect one of its members to be Chairman of the Board.

(2) The Chairman of the Board shall preside at all meetings of the Board at which he is present. If at any meeting of the Board the Chairman for the time being is not present or there is no Chairman, the Board shall appoint some member present to act as Chairman in respect of that meeting.

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(3) At any meeting of the Board the Chairman of that meeting shall have a deliberative vote; and, in the case of an equality of votes, he shall also have a casting vote.

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7. Meetings of Board—(1) The first meeting of the Board shall be held at a time and place of which notice shall be given by the Vice-Chancellor of the University of New Zealand to the members, and meetings shall be held thereafter at such times and places as the Board or the Chairman shall decide.

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(2) At every meeting of the Board five members shall form a quorum.

(3) Every matter before the Board shall be determined by a majority of votes of the members present at a meeting of the Board.

(4) Except as expressly provided in this Act, the Board may regulate its procedure in such manner as it thinks fit.

8. **Committees**—(1) The Board may from time to time appoint Committees consisting of two or more persons, being members of the Board or other persons; and may refer to any such Committee any matters for consideration or inquiry or management or regulation; and may delegate to any such Committee any of the Board's powers and duties, except—

15 (a) The powers conferred by sections eleven and fourteen of this Act; and

(b) The powers to borrow money, to make bylaws, to enter into contracts, and to institute actions.

(2) The Board may at any time and from time to time discharge or reconstitute or continue any committee; and may remove from office any member of a Committee and (if it thinks fit) appoint another member in his place.

PART II

ADMINISTRATION OF TARANAKI SCHOLARSHIPS ENDOWMENT

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9. Taranaki Scholarship endowment to vest in Board—

(1) On the first day of January, nineteen hundred and fifty-eight—

30 (a) The land described in the Schedule hereto shall vest without conveyance or assignment in the Board for the purposes of this Act, and subject to such encumbrances, leases, tenancies, and interests as then affect that land; and the District Land Registrar for the Land Registration District of Taranaki shall, on written application by the Board, make such entries in the register and generally do all such things as may be necessary to give full effect to the provisions of this paragraph:

35 (b) The Public Trustee shall pay to the Board all money then held by him pursuant to section twenty-two of the New Zealand University Amendment Act 1914.

40 (2) All such land and money, and all other property for the time being owned by the Board, shall be held and administered by it for the purposes of this Act.

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New

9. Administration of Taranaki Scholarship Endowment reserve—(1) The reserve described in the Schedule to this Act, which reserve is vested in the Crown, shall on and after the first day of January, nineteen hundred and fifty-eight, be held by the Crown in trust as an endowment for the purposes of this Act. 5

(2) The said reserve shall be administered and dealt with by the Land Settlement Board, and with respect to any of the land in the reserve that Board may either— 10

- (a) Grant leases under the provisions of the Public Bodies' Leases Act 1908 in the same manner as if that Board were a leasing authority within the meaning of that Act; or
- (b) Grant renewable leases, or licences with or without a 15 right of renewal, under the Land Act 1948 on the same terms and conditions in all respects as in the case of Crown land:

Provided that the lessee or licensee shall not have the right to acquire the fee simple of the land comprised in his lease or licence. 20

(3) Nothing in this section shall deprive any lessee of any right of renewal now vested in him.

(4) The revenue derived from the said reserve shall (after deducting such sum as may for the time being be approved by the Minister of Finance for the administration of the reserve and without further appropriation than this section) be paid to the Taranaki Scholarships Trust Board. 25

9A. Taranaki Scholarship endowment money to vest in Board—(1) On the first day of January, nineteen hundred and fifty-eight, the Public Trustee shall pay to the Board all money then held by him pursuant to section twenty-two of the New Zealand University Amendment Act 1914. 30

(2) All such money, and all other property for the time being owned by the Board, shall be held and administered by it for the purposes of this Act. 35

10. Application of endowment income—(1) The Board shall apply such part as it thinks fit of its income (including income accumulated by it after the commencement of this Part of this Act) in payment of all proper expenditure of the Board, and subject thereto for the following purposes: 40

- (a) The grant of Taranaki Scholarships and allowances relating thereto pursuant to section eleven of this Act:
- (b) The grant of post-graduate scholarships and allowances relating thereto pursuant to section fourteen of this Act: 45
- (c) The exercise of any other powers, duties, and functions by this Act conferred on the Board. 50

Struck out

(2) For the purposes of this section, such part of the money paid to the Board by the Public Trustee pursuant to section nine of this Act as comprises unexpended rent and other income in respect of the period which commenced with the first day of April, nineteen hundred and fifty-seven, shall be deemed to be income of the Board, and the balance of that money shall be deemed to be capital.

New

(2) For the purposes of this Act, three thousand five hundred pounds of the money paid to the Board by the Public Trustee pursuant to section nine of this Act shall be deemed to be income, and the balance of that money shall be deemed to be capital.

11. **Taranaki Scholarships**—For the purpose of bringing higher education within the reach of deserving scholars within the Provincial District of Taranaki there shall be awarded scholarships, to be called Taranaki Scholarships, and with respect thereto the following provisions shall apply:

(a) One or more scholarships, as the income of the Board permits, may be awarded annually by the Board:

(b) The scholarships shall be awarded on the results of the Entrance Scholarships Examination of the University of New Zealand, but no scholarship shall be awarded to a candidate unless he obtains credit in that examination:

(c) The scholarships shall be open to all candidates who have attended a school within the Provincial District of Taranaki for a period of not less than two years, or who have during such a period resided within that Provincial District and been enrolled as full time pupils at a correspondence school established by the Minister of Education, if in the case of each candidate the attendance or residence and enrolment has continued to within six months of the date of the award:

(d) A scholarship shall be held for the same term and under the same conditions (except as to the amount thereof) as those governing University National Scholarships; and there shall be payable to the holder of a scholarship such annual sum as the Board may from time to time (with the approval of the Minister **[of Education]**) prescribe, in addition to the tuition fees payable **(to)** **[by]** the holder at the University

or Agricultural College which he for the time being attends in connection with any course of study pursued by him:

Provided that, if the scholar has satisfactorily fulfilled the conditions hereafter prescribed by this section, the Board may at its discretion extend the tenure of a scholarship for two additional years in the case of a scholar who has entered upon a course of study in medicine, engineering, or dentistry, and for one additional year in the case of any other scholar:

Provided also that, except in special cases approved by the Board, not more than one year's fees shall be payable with respect to any subject at the same grade:

- (e) The scholarship shall be paid by quarterly instalments or such other instalments as the Board thinks fit:

Provided that no payment shall be made unless the Board is satisfied that the holder has fulfilled the prescribed conditions up to the due date of the instalment:

- (f) Candidates shall forward their applications to be examined in the time and manner prescribed by the University of New Zealand in respect of candidates for its Entrance Scholarships Examination, and shall comply generally with the conditions of applications for that examination:

- (g) No person shall be entitled to hold a scholarship unless within three months after its acquisition he has matriculated as a member of the University of New Zealand, nor unless, when required to do so, he produces a certificate from the Registrar of the University or Agricultural College at which he is enrolled that he has attended regularly the course of studies and lectures provided by it, and that he has made progress satisfactory to the Professorial Board of that University or Agricultural College:

Provided that the holder of a scholarship may, on giving notice to the Board, pursue his studies at any other such University or Agricultural College, subject to his complying with the statutes of the University of New Zealand in that regard:

Provided also that any person to whom a scholarship has been awarded may, with the approval of the Board, postpone for a period not exceeding one year the date of commencement of the term of the scholarship:

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- (h) A scholarship shall become vacant by failure on the part of the holder to keep terms in each year at the University or Agricultural College at which he is enrolled, unless the holder produces proof to the satisfaction of the Board that the failure was occasioned by illness or other sufficient cause:
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- (i) Every scholar, unless for any reason specially allowed by the Board, shall as a condition of holding his scholarship be required, not later than the end of his second year after matriculation, to have passed in at least three subjects of the examination for a degree:
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- (j) Any scholar who has entered upon a course of study in which credit is not normally given in individual subjects may be relieved by the Board of his obligation to comply with paragraphs (h) and (i) of this section, but shall furnish to the Board, as a condition of receiving the emoluments of his scholarship, sufficient proof that he has advanced in his professional studies and that he has passed regularly the several examinations required of him in his professional course, unless the holder produces proof to the satisfaction of the Board that failure to comply with the requirements of this paragraph has been due to illness or other sufficient cause:
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- (k) The Board may, for the purposes of *(the award of)* a Taranaki Scholarship, grant permission to a scholar to pursue a course of study leading to a recognised qualification of a University or Agricultural College in New Zealand, other than a degree; and may from time to time prescribe the conditions which any such scholar shall be required to fulfil in respect of his scholarship:
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- (l) A Taranaki Scholarship shall not be tenable with a University Junior Scholarship or with a University National Scholarship or with any other scholarship or bursary awarded by the University of New Zealand or the Department of Education; but it may

be held with any other scholarship or bursary if the holder receives only so much of the emoluments of the other scholarship or bursary as, when added to the emoluments payable to him in respect of his Taranaki Scholarship, does not exceed in any year the sum of one hundred and seventy-five pounds or such other sum as may for the time being be approved by the Board with the consent of the Minister. 5

12. Board to be advised of results of Entrance Scholarships Examination—(1) As soon as the results are available of the Entrance Scholarships Examination of the University of New Zealand held in the year nineteen hundred and fifty-seven and in each year thereafter, the Registrar of that University shall transmit those results to the Board. 15

(2) The first award of Taranaki Scholarships made by the Board shall be made on the result of the said Entrance Scholarships Examination held in the year nineteen hundred and fifty-seven.

13. Existing Taranaki Scholarships to continue—(1) Holders of Taranaki Scholarships granted before the commencement of this Part of this Act and current thereafter shall continue to be entitled to all the benefits of the scholarships during the currency thereof, except that those scholarships shall be held by them on the same terms and conditions as to the amount thereof and as to any allowances relating thereto as shall for the time being apply to Taranaki Scholarships awarded under this Act: 25

Provided that nothing in this subsection shall empower the Board to reduce the value of the benefits derived by any such holder in respect of a Taranaki Scholarship to less than the value thereof at the commencement of this Part of this Act. 30

(2) In the year nineteen hundred and fifty-eight, and in each year thereafter during the currency of the scholarships, the Board shall pay to, or for the benefit of, the holders of Taranaki Scholarships to whom this section applies such amounts as may from time to time be payable in respect thereof pursuant to subsection one of this section. 35

14. Taranaki Post-graduate Scholarships—For the purpose of assisting post-graduate studies of graduates of the University of New Zealand who have resided in the Provincial District of Taranaki there are hereby established scholarships to be called Taranaki Post-graduate Scholarships; and with respect thereto the following provisions shall apply:

(a) They shall be available for award by the Board to any graduate of the University of New Zealand who, at the thirty-first day of December immediately preceding the date on which he matriculated as a member of the University of New Zealand, was qualified for award of a Taranaki Scholarship by attendance or residence and enrolment under the provisions of paragraph (c) of section eleven of this Act, whether or not the graduate was a candidate (either successful or unsuccessful) for award of a Taranaki Scholarship:

(b) The Board may award one or more Taranaki Post-graduate Scholarships as and when it thinks fit:

(c) On each occasion when a Taranaki Post-graduate Scholarship is awarded, the Board may fix the term and amount thereof and of any allowances relating thereto, and may prescribe the course of study to be followed by the holder and the place or places where that course of study is to be undertaken:

Provided that the term and amount of any such scholarship shall not exceed the term and amount for the time being approved by the Minister of Education.

(d) The Board may allow a Taranaki Post-graduate Scholarship to be held in conjunction with any other scholarship, prize, fellowship, or bursary of any kind:

(e) Any graduate or prospective graduate qualified for award of a Taranaki Post-graduate Scholarship under paragraph (b) of this section may apply to the Board for award of such a scholarship, and shall supply such information as the Board on each occasion shall require.

15. Powers of Board—In exercising its powers, duties, and functions under this Act, the Board shall have the following powers:

(a) To engage and employ on such terms and conditions as it thinks fit such servants and agents as it from time to time thinks fit on such terms and conditions

as to remuneration and otherwise as it thinks fit; and from time to time to terminate any such engagement or employment and to vary the terms and conditions thereof:

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(b) Subject to the provisions of the Public Bodies' Leases Act 1908, to lease or let any land for the time being vested in the Board on such terms and conditions as to rent, rights of renewals, and otherwise as the Board thinks fit, and the Board is hereby declared to be a leasing authority within the meaning of that Act: 10

Provided that nothing in this paragraph shall deprive any lessee of any right of renewal now vested in him: 15

(c) To invest such part as it thinks fit of any funds for the time being vested in the Board in any investments for the time being authorised by the Trustee Act 1956 for the investment of trust money, and from time to time to realise, alter, or vary any such 20 investments:

(d) Subject to the terms of any instrument creating a trust affecting the same, to sell **[or lease or let]** any real or personal property for the time being vested in the Board; (*other than the land described in the 25 Schedule to this Act;*) and to apply the proceeds of sale either immediately or at any time thereafter either in the purchase of other property or in any investment authorised by paragraph (c) of this section: 30

(e) To take on lease or as a tenant any premises for the time being required by the Board for the exercise of its powers, duties, and functions under this Act:

(f) To acquire such furniture, equipment, and other chattels as may from time to time be required by the 35 Board for the exercise of its powers, duties, and functions under this Act; and to dispose of the same:

(g) To manage, develop, subdivide, and improve any land for the time being vested in it under this Act; and 40 do all things necessary for any such purpose:

(h) To accept devises, bequests, gifts, and donations of any kind:

(i) Generally to do all such acts and things as may be necessary or expedient for the exercise of the powers, 45 duties, and functions of the Board under this Act.

16. Borrowing of money—In exercising its powers, duties, and functions under this Act, the Board shall have power to borrow money either with or without giving security over any assets vested in it and either by way of overdraft or otherwise:

5 Provided that the amount so borrowed by the Board shall not at any time exceed half of the income of the Board for its preceding financial year.

17. Fees and travelling allowances—(1) The Board, and any Committee appointed under section eight of this Act, are
10 hereby declared to be statutory Boards within the meaning of the Fees and Travelling Allowances Act 1951.

(2) The Board may pay to its Chairman remuneration by way of fees, salary, or allowances in accordance with the Fees and Travelling Allowances Act 1951, and the provisions of that
15 Act shall apply accordingly.

(3) The Board may pay to its Chairman, and to members of the Board or of any Committee thereof appointed under section eight of this Act, travelling allowances and expenses in accordance with the Fees and Travelling Allowances Act
20 1951, and the provisions of that Act shall apply accordingly.

18. Bylaws—(1) The Board may from time to time make bylaws, not inconsistent with this Act:

- (a) Prescribing conditions in respect of the granting of scholarships and allowances under this Act:
- 25 (b) Regulating the procedure of the Board:
- (c) Regulating the management and administration of assets vested in the Board.

(2) The Board may from time to time revoke or amend any such bylaws.

19. Money to be paid into bank—(1) All money belonging to the Board amounting to five pounds and upwards shall, within seven days after it has come into the hands of any member or servant or agent of the Board, be paid into the account of the Board at such bank as the Board from time to
35 time appoints.

(2) No money shall be withdrawn from any such account, except by authority of the Board and by cheque signed by such person or persons as the Board from time to time, subject to any requirements of the Audit Office, may authorise.

20. Accounts—(1) The Board shall keep full and correct accounts of all money received and expended by it, and the accounts shall be audited by the Audit Office, which for that purpose shall have all powers that it has under the Public Revenues Act 1953 in respect of public money and the audit of local authorities' accounts. 5

(2) The Board shall, as soon as practicable after the end of any financial year ending with such date as the Board may from time to time determine, cause its accounts for that year to be balanced, and full and true statements and accounts of all the money received and expended by it in that year and of its assets and liabilities at the end of that year, to be prepared and submitted to the Audit Office. 10

21. Annual report to Minister—(1) The Board shall, within one month after the receipt of the accounts certified by the Audit Office, furnish to the Minister of Education a report of its proceedings and operations for its preceding financial year, together with a copy of its accounts for that year as so certified. 15

(2) A copy of the said report and accounts shall be forwarded to the Senate of the University of New Zealand. 20

22. Repeals—The following enactments are hereby consequentially repealed:

- (a) Sections seventeen to twenty-six of, and the Schedule to, the New Zealand University Amendment Act 1914: 25
- (b) Section four of the New Zealand University Amendment Act 1923:
- (c) Section forty-six of the Statutes Amendment Act 1944:
- (d) Subsection three of section sixty-two of the Statutes Amendment Act 1946: 30
- (e) Section five of the New Zealand University Amendment Act 1950:
- (f) Subsection one of section twenty-six of the Reserves and Other Lands Disposal Act 1953. 35

SCHEDULE

TARANAKI SCHOLARSHIPS ENDOWMENT LAND

	Acres	Roods	Perches
Section 22, Block IV, Carlyle Survey District	195	0	0
Lot 1, D.P. 6414, being Part Section 23, Block IV, Carlyle Survey District	112	2	28
Lot 2, D.P. 6414, being Part Section 23, Block IV, Carlyle Survey District	112	2	28
Lot 3, D.P. 6414, being Part Section 23, Block IV, Carlyle Survey District	0	0	4.5
Subdivisions 1 and 2 of Section 24, Block IV, Carlyle Survey District	487	0	0
Section 25, Block IV, Carlyle Survey District	475	0	0
Section 27, Block IV, Carlyle Survey District	455	0	4
Section 1, Block V, Carlyle Survey District	350	0	0
Section 2, Block V, Carlyle Survey District	300	0	0
Section 1, Block XI, Opaku Survey A. R. P. District	654 0 0	1,624	0
Section 6, Block XV, Opaku Survey District	970 0 0		
Section 1, Block XII, Opaku Survey District	719	1	29
Part Section 1, Block XIV, Opaku Survey District, and being all the land in Regis- tered Lease No. 18690 (Taranaki Registry)	533	1	0
Section 1, Block XV, Opaku Survey District	420	0	0
Sections 2, 9 and 15, Block XV, Opaku Sur- vey District	1,048	1	25
Sections 3, 4 and 5, Block XV, Opaku Sur- vey District	2,724	0	0
Section 7, Block XV, Opaku Survey District	23	0	0