ENROLLED BILL

House Bill No. 202

(By Mr. Carter)

Passed February 19 — 1931

In Effect from Passage
AN ACT to provide for extending the boundaries of the school district of Wheeling, by amending and re-enacting sections one, two, three, four, five and fourteen of "an act relating to the school district of Wheeling" as enacted by chapter eleven of the acts of one thousand eight hundred and seventy-two, and amended and re-enacted by chapter forty-six of the acts of one thousand eight hundred and seventy-two and one thousand eight hundred and seventy-three, chapter one hundred fifteen of the acts of one thousand eight hundred and seventy-five, chapter sixteen of the acts of one thousand eight hundred eighty-two, chapter one hundred thirty-nine of the acts of one
thousand nine hundred and one, chapter thirty-two of the acts of one thousand nine hundred and five, chapter thirty-eight of the acts of one thousand nine hundred and twenty, one thousand nine hundred and twenty-one, and chapter one hundred nine of the acts of one thousand nine hundred and twenty-five, designating chapter one hundred nine of the acts of one thousand nine hundred and twenty-five and twenty-five as section thirty-three thereof and amending the same, adding thereto section thirty-four, repealing all acts or parts of acts inconsistent with the provisions of this act and submitting the question to a vote of the people.

Be it enacted by the Legislature of West Virginia:

(I) That sections one, two, three, four, five and fourteen of chapter eleven of the acts of one thousand eight hundred and seventy-two, as amended and re-enacted by chapter forty-six of the acts of one thousand eight hundred and seventy-two and one thousand eight hundred and seventy-three, chapter one hundred fifteen of the acts of one thousand eight hundred and seventy-five, chapter sixteen of the acts of one thousand eight hundred and eighty-two, chapter one hundred thirty-nine of the acts of one thousand nine hundred and one, chapter thirty-two of the acts of
Enrolled H. B. No. 202

one thousand nine hundred and five, and chapter thirty-eight of

the acts of one thousand nine hundred and twenty and one thou-

sand nine hundred twenty-one, be and the same are hereby re-

pealed, and that new sections be and are hereby in lieu thereof

enacted to be known as sections one, two, three, four, five and

fourteen, to read as follows:

Section 1. The area within the limits of the county of Ohio

as the said limits existed on the first day of January, one thou-

sand nine hundred and thirty-one, shall constitute an independ-

ent school district, to be known as the school district of Wheel-

ing.

Sec. 2. At the next regular biennial election for members

of congress to be held in the county of Ohio, on the first Tues-

day in November, following the extension of the school district

of Wheeling in the manner in this act provided, there shall be

elected at large within the limits of said school district of

Wheeling as extended seven competent persons to serve as

school commissioners for said district. The terms of office

of the school commissioners elected pursuant to this section

shall commence on the first day of July next succeeding their

election, and the terms of office of the three of such commis-

sioners who shall have received the highest number of votes
12 at said election, shall continue for a term of six years, and
13 until their successors are elected and qualified, and the terms
14 of office of the two of said commissioners who shall receive
15 the next highest number of votes at said election shall con-
16 tinue for a term of four years, and until their successors are
17 elected and qualified, and the terms of office of the two of
18 said commissioners receiving the next highest number of votes
19 at said election, shall continue for a term of two years, and
20 until their successors are elected and qualified; and at each
21 succeeding regular biennial election for members of congress
22 to be held in said county of Ohio, there shall be elected within
23 the limits of said school district of Wheeling as extended, in
24 the manner hereinafter provided, the number of competent
25 persons to serve as such school commissioners, required to take
26 the place of the commissioners, whose terms shall expire on
27 the thirtieth day of June, then next succeeding, and to fill any
28 vacancy for the unexpired term thereof. The term of office
29 of each such school commissioner, elected pursuant to this sec-
30 tion, after the first election following the extension of said
31 school district of Wheeling, shall commence on the first day of
32 July next succeeding his election, and continue for the term
33 of six years, and until his successor is elected and qualified.
34 The persons elected for school commissioners for said school
35 district of Wheeling, in pursuance of this section as amended,
36 and their successors in office, shall constitute a board of edu-
37 cation to be denominated "the board of education of the school
38 district of Wheeling."
39 For election purposes within the area of the said school dis-
40 trict of Wheeling the precinct boundary lines shall be those
41 adopted by the board of commissioners of the county of Ohio.
42 Candidates for school commissioner to be voted on at any
43 regular election to be held following the said extension of said
44 school district of Wheeling shall be nominated at the primary
45 election held in the county of Ohio for the nomination of
46 candidates for member of congress to be elected at said regular
47 election, and no other names shall be printed upon the ballots
48 used at the election of school commissioners except those
49 selected in the manner hereinafter prescribed. Any person
50 desiring to become a candidate for school commissioner at a
51 regular election shall, at least twenty days prior to the pri-
52 mary election to be held prior to said regular election for the
53 nomination of member of congress, file with the clerk of the
54 circuit court of Ohio county, a petition, signed by at least fifty
55 qualified voters of said school district. Said petition shall be
56 verified by the affidavit of one or more credible persons as to
57 the qualifications and residence of each of the persons signing
58 said petition, and said petition, shall be in form or effect as
59 follows:

60 "The undersigned, duly qualified voters of the school dis-
61 trict of Wheeling and residing at the places set opposite our
62 respective names hereto, do hereby request the name of (name
63 of candidate) be placed on the ballots as a candidate for nomi-
64 nation for school commissioner of the school district of Wheel-
65 ing, at the primary election to be held in said district on the
66 ..........day of........................., 19......... We further state that
67 we know such person to be a qualified voter and resident of
68 the said school district of Wheeling, and a person of good
69 moral character, and qualified in our judgment for the duties
70 of such office.

71 Names of qualified voters............................................................................
72 Number.............................................. Street.............................................."

73 Any person whose name has been submitted for candidacy
74 shall file his acceptance of such candidacy with the clerk of
the circuit court of Ohio county not later than fifteen days
before the day of the primary election, and in the absence of
such acceptance the name of the candidate shall not appear
on the ballots. Immediately upon the expiration of time for
filing the petition for and acceptance of the candidates, the
clerk of the circuit court of Ohio county shall cause to be
published in all the daily newspapers of the city of Wheeling
once, in proper form, the names of the persons as they will
appear upon the primary ballots; and the said clerk shall there-
upon cause the primary ballots to be printed and authenticated
with a facsimile of his signature. The ballots shall be printed
upon plain white paper without party mark or designation,
and shall contain the names of the candidates in alphabetical
order. The ballots shall be separate from those used for can-
idates for other offices, and the primary election shall be
conducted and the result ascertained by the election officials
designated by the board of commissioners of the county of
Ohio for conducting the primary election for nomination of
candidates for members of congress. The number of can-
dates, which is double the number to be elected at the next
ensuing regular election, receiving the highest number of
96 votes in said school district shall be the candidates and the
97 only candidates whose names shall be placed upon the ballots
98 at the next regular election for school commissioners for the
99 school district of Wheeling.

100 In any case where candidates shall have received an equal
101 number of votes, so that as between such candidates there is
102 no choice at the primary, the clerk of the circuit court of Ohio
103 county shall determine by lot the names out of those voted on
104 at the primary and tied as aforesaid, to be placed on the
105 ballots for the next regular election. At such election ballots
106 shall be prepared by the clerk of the circuit court of Ohio
107 county containing the names of the candidates nominated at
108 the primary election, such ballots being separate from those
109 containing the names of candidates for other offices, and the
110 election shall be conducted and the results ascertained by the
111 election officials designated by the board of commissioners of
112 the county of Ohio for conducting the election, and the number
113 of persons, which is the number to be elected, receiving the
114 highest number of votes within said school district shall be the
115 persons elected as school commissioners of the said school dis-
116 trict of Wheeling.
The clerk of the circuit court of Ohio county after ascertaining from the board of canvassers the result of a primary or regular election for the nomination or election of candidates for school commissioners of the school district of Wheeling, shall publish the result of such primary or regular election in the same manner and at the same time that he publishes the result of the primary or regular election for the nomination or election of candidates for other offices. The cost of and expense of printing and publishing incident to the primary and election for school commissioners shall be borne by the board of education of the school district of Wheeling.

Members of the board of education of the school district of Wheeling shall be residents and qualified voters of the school district of Wheeling, and removal from the district shall vacate the office of such commissioner.

Sec. 3. No person shall be allowed to vote for school commissioner who is not an actual resident of and qualified to vote for county officers of the county of Ohio.

Sec. 4. It shall be the duty of the clerk of the board of education of the school district of Wheeling, at least ten days before the first day of July succeeding any regular election under
4 this act, to notify the commissioners-elect throughout the school
5 district of their election. And before assuming the duties of his
6 office, each of said commissioners shall qualify by taking and
7 subscribing to the following oath of office, viz: "I do solemnly
8 swear (or affirm) that I will faithfully discharge the duties of
9 school commissioner of the school district of Wheeling, during
10 the time of my office, to the best of my ability and according to
11 law, so help me God;" and such other oath or affirmation as
12 may be required by law. Such oath of office may be administered
13 by the clerk of the board of education at any time on or before
14 the first day of July next after the election, and the same, or a
15 copy thereof, shall be kept by him in the files of his office.
16 Any vacancy which may occur in the office of school commis-
17 sioner, by death, resignation, refusal to serve, or otherwise, shall
18 be filled by the board of education of the school district of
19 Wheeling, at any regular meeting as soon as practicable there-
20 after, by the appointment of a suitable person, resident of the
21 district, who shall hold the office until the first regular election
22 which shall be held after such appointment. In case the board
23 is unable to fill such vacancy by reason of a tie between nomi-
24 nees receiving the highest number of votes, the clerk of the cir-
25 the court of Ohio county shall determine by lot from such of
26 said nominees as shall have received the highest number of
27 votes, which one of said nominees shall be elected to fill the
28 vacancy.

Sec. 5. On the first Thursday in July after the first election
2 under this act, and biennially thereafter, at seven-thirty o’clock
3 P. M., at the office of the board of education of the school district
4 of Wheeling, there shall be held a meeting of the board, at
5 which meeting the board shall be organized, if a majority of the
6 members be present, and if a majority of the members be not
7 present, then as soon as practicable thereafter, by the election
8 of one of their number as president, and also a suitable person
9 for clerk, who shall not be a member of the board. The presi-
10 dent shall be entitled to vote upon all questions submitted to
11 the decision of the board. Before entering upon the duties of
12 his office, the clerk shall, with at least two good securities, not
13 members of the board, or a corporate surety authorized to do
14 business in the state of West Virginia, to be approved by the
15 board, enter into a bond, payable to the board of education of
16 the school district of Wheeling, conditioned for the faithful dis-
17 charge of the duties of his office, in such penal sum as the board
12. [Enrolled H.B. No. 202]

18 may direct; and for good cause a new bond and other bonds-
19 men, may from time to time be required by the board; and such
20 bond or bonds shall be filed with the president of the board for
21 safe keeping. Should corporate surety be given on said bond,
22 the premium or premiums for same shall be paid by the board.

Sec. 14. The collecting officer named in the preceding sec-
2 tions, shall, for the purpose of this act, be known as the “col-
3 lector of the school district of Wheeling,” and before collecting
4 or receiving any of the moneys of said district, shall give bond,
5 with sureties, not members of the board, approved by the board
6 of education, in such amount as shall be named by said board,
7 which bond shall be filed with the clerk of the board, whose
8 duty it shall be, upon the forfeiture of said bond, to prosecute
9 and collect from said collector and his sureties, the amount
10 named in the bond for the use of said district, and new bond
11 and sureties may be required by the board in proper cases. In
12 case any person shall neglect or refuse to pay in whole or in
13 part any tax lawfully levied upon him or her by the board of
14 education, it shall be lawful for the officer appointed to collect
15 such tax, to take reasonable distress of any personal property
16 in said district, belonging to the said delinquent, or in which
he or she shall have any right or interest, and to sell the said
property, right or interest, at public sale in said district (having
given ten days' notice of the time and place of sale by
advertisement posted at some public place in the district), and
out of the proceeds of such sale, after defraying all proper ex-
penses, to pay to the said board of education the amount which
shall be due on account of said tax, returning the balance, if
any, to the owner of the property, right or interest so sold. In
case any such tax levied upon real estate shall not be paid in
full within thirty days from the first day of December, after
said levy, it shall be lawful for the officer appointed to collect
such tax, to take reasonable distress of any personal property
belonging to the owner of said real estate, or in which such
owner shall have any right or interest, or of any personal prop-
erty on the premises taxed belonging to any person in the posses-
sion or occupancy thereof, or in which such person shall have
any right or interest, and to sell such property, right or interest
and apply the proceeds thereof in the manner prescribed in
this section. And such officer shall have power to distract any
personal estate which may be on the premises taxed, and the
same to sell and apply as aforesaid, notwithstanding such per-
sonal estate may be included in any deed, deed of trust, mort-
gage, bill of sale, or other writing. All such taxes levied upon
real estate, shall remain a lien thereon, bearing interest at the
rate of ten per cent per annum from the date when due until
the same be fully paid, and the personal property of every per-
son to whom the said real estate shall come by descent, or
purchase, and of the person or persons in possession or occu-
pancy thereof, shall be subject to distress and sale in the same
manner and to the same effect as if he, she or they were origin-
ally chargeable with the said taxes. In all cases in which any
such tax levied upon real estate shall be paid in whole or in
part by the tenant, or out of his or her property, he or she shall
be entitled to deduct the same out of the accruing rent, or to
recover the amount so paid from the owner of said real estate,
unless it shall have been otherwise specially agreed. All taxes
levied as aforesaid shall be due and payable on the first day of
October of the year in which the levy is made.

And be it further enacted:

(II) That chapter one hundred and nine, of the acts of one
thousand nine hundred and twenty-five, be designated and here-
after known as section thirty-three, to and as a part of said chap-
ter eleven of the acts of one thousand eight hundred and seventy-two, and that the eight sections of said chapter one hundred and nine of the acts of one thousand nine hundred and twenty-five, be designated and hereafter known as subsections one to eight, inclusive, of said section thirty-three, and that subsection two thereof be amended to read as follows:

Sec. 2. At its session held on the second Tuesday in August as aforesaid, the said board shall ascertain the condition of the fiscal affairs of its said district and make up an itemized statement thereof distinguishing between the elementary and high schools and the various funds hereinafter provided for each, which statement shall set forth in detail:

First: The separate amounts due the various funds of said district, and the amounts that will become due and collectible during the current fiscal year except from the levy of taxes to be made for the year;

Second: The debts and demands owed by the said district and the debts and demands that will become due and payable during the current fiscal year, including interest on any indebtedness, funded, bonded or otherwise;

Third: All other expenditures under the several heads of
16 expenditures, to be made and payable out of the levy of the
17 said district for the current fiscal year, with proper allowances
18 for delinquent taxes, exonerations and contingencies. Said
19 statement shall also set forth the separate amount necessary
20 to be raised for each fund by the levy of taxes for the current
21 fiscal year, the proposed rate of such levy on each one hundred
22 dollars assessed valuation of the taxable property in the said
23 district for each of such funds, and the separate and aggregate
24 amounts of the assessed valuation of real estate, personal prop-
25 erty, and public utility property assessed by the board of public
26 works. A copy of such statement duly certified by the clerk of
27 the said board shall immediately be forwarded to the state tax
28 commissioner, and said statement shall, before the next meeting
29 of said board, be published once in two newspapers of opposite
30 politics in said school district, if there be two such newspapers
31 therein. If there be but one newspaper published in said dis-
32 trict, the publication shall be made therein. The session shall
33 then stand adjourned until the fourth Tuesday in August, at
34 which time it shall reconvene. And the said board of educa-
35 tion shall then hear and consider any objections made orally
36 or in writing by the prosecuting attorney of Ohio county, by
the state tax commissioner or his representatives, or by any
taxpayer of the said school district, to the said estimate and
proposed levy, or any item thereof. It shall be the duty of the
said board of education to enter an order showing the objec-
tions so made, setting forth the reasons and grounds for such
objections. But the failure of any officer or taxpayer to offer
objections as herein provided shall not preclude him from pur-
suing any legal remedy necessary to correct any levy made by
said board of education. After said objections have been made
and heard, the said board of education shall thereupon re-
consider the proposed original estimate and proposed rate of
levy, and if the objections thereto or any part thereof appear
to be well taken, the said board of education shall correct the
same accordingly, and it shall thereupon be approved, and when
approved shall, with the order approving it, be entered by the
clerk of said board of education in the proper record book.
After having entered the statement as finally approved in its
book of record or proceedings, the said board shall thereupon
levy as many cents on each one hundred dollars assessed valu-
ation of the taxable property in said school district, according
to the last assessment thereof, as will produce the amounts
shown by the statement to be necessary, as follows:

(a) For maintenance fund purposes, including kindergartens and medical inspection, for defraying the maintenance expenses for a fiscal year;

(b) For teachers' fund purposes, including kindergartens and medical inspection, for the purpose of maintaining the schools of the said district for a term of not less than nine months, or for a longer term where the same has been extended by the said board of education.

For high school purposes, including junior high schools, vocational schools and physical educational schools, the said board of education shall levy a rate sufficiently high to defray the expenses for such high school purposes for the current fiscal year, and shall divide the levy so made into a levy for maintenance fund purposes and a levy for teachers' fund purposes.

For new building and improvement fund purposes, for the purchase of land and for the purpose of erecting and equipping buildings for elementary and high school purposes, for the purchase of furniture and apparatus, for rent and permanent improvement of old buildings.

For maintenance of the public library under the control and
management of said board of education, including salaries for
librarian and assistants and all other expenses of managing and
operating said library, a levy of not to exceed five cents.

Provided, however, That the total levy, laid by the board
of education of the school district of Wheeling as extended, for
any one year for all purposes, exclusive of levies for library
purposes and for bonded indebtedness, shall not exceed one
dollar and twenty cents on the hundred dollars' valuation of
taxable property.

And be it further enacted:

(III) That the following section be added to said chapter eleven
of the acts of one thousand eight hundred and seventy-two, as a
part thereof, namely:

Sec. 34. For the government of the schools within the
school district of Wheeling, as extended, pursuant to the pro-
visions of this act, the board of education of the school district
of Wheeling may appoint, at such salary as said board shall
decide proper, not to exceed two assistant superintendents, and
such supervisors of educational subjects as it may deem neces-
sary, who shall be subject to the orders and direction of said
board and of the superintendent of the said school district.
For purpose of collecting taxes and levies due the school district of Wheeling, as extended, the board of education of said district shall, not later than the fourth Thursday of August in each year, designate as collector of the school district of Wheeling, either the officer by whom the city of Wheeling levies are collected or the officer by whom the county of Ohio levies are collected, as it may deem more expedient and economical. Any and all compensation or commission charged by such officer for making said collection shall be the property of and be credited by said officer to the city of Wheeling or the county of Ohio, as the case may be.

And be it further enacted:

(IV) That all acts relating to the independent school district of Wheeling so far, and so far only, as they conflict with the provisions of this act, are hereby repealed.

Provided, however, That this act shall not be effective unless and until the boundaries of the school district of Wheeling shall be extended by a vote of the electorate of Ohio county in the manner hereinafter provided:

Such extension of boundaries shall be proposed by resolution of the board of education of the school district of Wheeling.
Fix the time for holding an election at which the proposed change of boundaries shall be submitted to the qualified voters of the school district of Wheeling and of the territory proposed to be annexed for approval or rejection;

(b) Direct that notice of such election be published in each of the daily newspapers in the city of Wheeling once a week for four successive weeks, the last publication to be not more than ten days before the day of election;

The following form of ballot shall be used at such election:

Shall the school district of Wheeling be extended to include all of the territory of Ohio county, and the bonded indebtedness of all present school districts within Ohio county be assumed by and become the obligations of the school district of Wheeling as extended, and the board of education of the school district of Wheeling as extended levy and collect a direct annual tax on all property within the said district as extended sufficient to provide for the payment of sinking fund, principal and interest obligations of
and on said indebtedness as they arise under the original terms thereof.

The board of education of the school district of Wheeling shall, through its clerk, notify the president of the board of education of each district within the territory which is proposed to be annexed, of the proposed extension of boundaries, at least six weeks before the time for the election herein provided for; whereupon it shall be the duty of the board of education of each of said districts, except as hereinafter otherwise provided, to provide for such election by designating precincts, boundaries thereof, and voting places, and by appointing judges and clerks for each precinct within the territory proposed to be annexed, and certify the precincts, boundaries thereof, voting places and the names of such appointees to the board of education of the school district of Wheeling within three weeks of the service of notice upon said president. If such certification is not filed, the board of education of the school district of Wheeling shall, except as hereinafter otherwise provided, designate such precincts, boundaries thereof and voting places, and shall appoint such judges and clerks of election. So far as they are applicable
and except as specific provision is made herein or in the charter of the school district of Wheeling, such election shall be governed by the general election laws of the state of West Virginia. Said election may be a special election or may be held at the same time that any primary or regular election is held by the city of Wheeling or the county of Ohio. If held at the same time as a county election the same precinct lines shall be used and the election shall be conducted and the results ascertained by the same election officials, as designated by the board of commissioners of the county of Ohio for conducting the election. If held at the same time as a city of Wheeling election the same precinct lines shall be used and the election within the limits of the city of Wheeling shall be conducted and the result ascertained by the same election officials, as designated by the council of the city of Wheeling for conducting said election, and in each precinct outside the city of Wheeling a single election board may be used to conduct the election, and said election boards outside the city of Wheeling shall report to the same officials to whom the boards within the city of Wheeling are required by the charter of the city of Wheeling to report. The officials required by law to
70 canvass and certify the results of the city or county election
71 as the case may be, shall likewise canvass and certify to the
72 board of education of the school district of Wheeling the re-
73 sult of the election hereby authorized.
74 When the result of such election is ascertained and certi-
75 fied, the president of the board of education of the school dis-
76 trict of Wheeling shall issue his proclamation of such result
77 and cause the same to be published in each daily newspaper
78 published in the city of Wheeling within five days of such
79 certification, and if three-fifths of the votes cast at such elec-
80 tion shall be in favor of such extension, then all the territory
81 within the county of Ohio shall be and become a part of the
82 school district of Wheeling, on the first day of July following
83 the next succeeding general election for member of congress,
84 and beginning on that date, the school district of Wheeling
85 shall include all the territory within the county of Ohio, and
86 the corporate existence of any other school district included
87 within the county of Ohio shall thereupon cease and determine;
88 and if three-fifths of the votes cast at such election shall not
89 be in favor of such extension, then the boundaries of the
90 school district of Wheeling shall remain as they now are, and
91 the territory within the county of Ohio and outside the present
92 school district of Wheeling shall be in no way affected by such
93 election. If the extension be rejected by failure to obtain a
94 three-fifths majority vote this shall not prevent the calling
95 of a subsequent election or elections to submit to vote the same
96 matter in any manner herein provided. All expenses of hold-
97 ing such elections, the payment whereof is not now provided
98 by law, shall be paid by the school district of Wheeling, and
99 the board of education may appropriate therefor from such
100 fund as it may see fit.
101 At any such election, all persons may vote who would be
102 then legally qualified to vote at a general city or county elec-
103 tion and are properly registered on books of the city of Whel-
104 ling or the county of Ohio.
105 The board of education of the school district of Wheeling
106 shall call an election hereunder, submitting to the voters of
107 Ohio county, the proposed change of boundaries, in the man-
108 ner herein provided, at the first regular general city election
109 held by the city of Wheeling after the passage of this act.
110 The failure, neglect or refusal of the publisher of any news-
111 paper in Wheeling to publish either the notice or proclamation
112 herein provided for, shall not affect the validity of the pro-
ceedings to extend the boundaries of the school district of
114 Wheeling, if such publication shall appear in one of such
115 papers.
116 In the event of the extension of the school district of
117 Wheeling in the manner herein provided, then, from and after
118 the time such extension becomes effective, all the debts and
119 obligations, including bonded indebtedness, of any district
120 included within Ohio county shall become and be the debts
121 and obligations of the school district of Wheeling as extended,
122 and shall be enforcible against said school district of Wheeling
123 and all property therein to the same extent as they might have
124 been enforced against the district creating them, and taxes
125 thereafter levied to provide for such indebtedness, principal
126 and interest, shall be levied, by the board of education of the
127 school district of Wheeling as extended, on the entire taxable
128 property within the said district, and at a rate sufficient to
129 provide for the payment annually of the sinking fund, prin-
130 cipal and interest obligations thereof and thereon as they arise
131 under the original terms thereof.
132 The extension of the boundaries of the school district of
Wheeling shall not affect the boundaries or the organization of any municipality theretofore existing.

The terms of office of the county superintendent of schools of Ohio county, the members and officers of the board of education of Wheeling, and of the boards of education of each school district within the area annexed to the school district of Wheeling by virtue of this act, as they exist at the time at which the extension of the school district of Wheeling becomes effective in the manner provided in this act, shall expire on the thirtieth day of June next succeeding the election of the first board of education of the school district of Wheeling as extended; and the terms of all district superintendents and supervisors and other officers and employees appointed or employed by any of the aforementioned boards or officers, shall terminate at the same time.

All property in the hands, or under the control, of the boards and officers whose terms shall expire as aforesaid, shall be turned over to the incoming board of the independent school district of Wheeling as extended, and the title to all real and personal property owned by any and all of the school districts annexed to the independent school district of Wheel-
ing, pursuant to this act, shall become the property of the
independent school district of Wheeling on the said first day
of July following the election aforesaid. And the board of
education of the school district of Wheeling as extended shall
thereupon and thereafter exercise full and complete control
thereover, and all of said property and every educational
facility hereafter located within the school district of Wheel-
ing as extended shall be available for school uses throughout
said district under such regulations as shall be prescribed by
the board of education of said district.

Should any provision, section or part of section of this act
be held unconstitutional, such fact shall not be held to in-
validate the other provisions and sections hereof.