

**[J-115-2003]**  
**IN THE SUPREME COURT OF PENNSYLVANIA**  
**MIDDLE DISTRICT**

SOUTH NEWTON TOWNSHIP ELECTORS,	:	No. 146 MAP 2002
	:	
Appellants	:	Appeal from the Order of the Court of Common Pleas of Cumberland County, entered September 6, 2002, at No. 02- 1916
v.	:	
	:	
SOUTH NEWTON TOWNSHIP SUPERVISOR, RONALD BOUCH,	:	
	:	
Appellee	:	ARGUED : September 8, 2003

**DISSENTING OPINION**

**MR. JUSTICE LAMB**

**DECIDED: DECEMBER 17, 2003**

I dissent and would hold that the removal provision codified as Section 503 of the Second Class Township Code, the Act of May 1, 1933, is not in conflict with Article VI, Section 7 of the Pennsylvania Constitution because it is a continuance of authority granted by statutory provisions that antedate the 1873 Constitution, as we expressly discussed in In Re: Supervisors of Milford Township, 139 A. 623, 624 (Pa. 1927), in upholding the constitutional validity of the immediate predecessor to the statute here challenged: Section 192 of the General Township Act of July 14, 1917. The only pertinent issue left undecided in Milford Township was whether the express repeal of prior laws by the 1917 Act required a different result - an issue on which the majority does not comment. Therefore, no reason appears to depart from the analysis of this issue in our prior decision.