

## PREFACE TO THE SECOND EDITION

**D**URING the past few years there has been a tremendous expansion in the scope and influence of public health activities, both in their scientific aspects and in their administrative application. The need for adequate public health facilities has been recognized by governmental authorities, with a gratifying increase in trained personnel, and the value of public health efforts has come to be appreciated by the public.

These significant developments have made necessary another re-statement of the law of public health, especially since there is now no modern text on this important subject. In the long history of public health in this country, there have been, in fact, only three books dealing with the legal aspects of public health. The first of these, an excellent work by two eminent attorneys, was published nearly fifty years ago.<sup>1</sup> The second, by a physician, was issued more than thirty years ago,<sup>2</sup> and the third, by the author, was prepared more than a decade ago.<sup>3</sup>

The present work is much more comprehensive and, it is believed, more efficiently arranged than the author's earlier volume, which has been completely rewritten. An attempt has been made to present factual material only, with a minimum of personal opinion or comment. An endeavor has also been made to provide answers, based mainly on the decisions of courts of last resort, to most of the legal problems with which persons concerned with any phase of public health may be confronted.

Many of the author's colleagues in the medical, public health, and legal professions have been good enough to read and criticize parts of the manuscript. They have made numerous valuable suggestions, which are gratefully acknowledged, although the author assumes the responsibility for any errors or shortcomings in the book. Acknowledgment is also due to the Commonwealth Fund for making possible this new edition.

As the culmination of more than fifteen years' continuous study of the legal aspects of public health, it is to be hoped that this book will

1. L. Parker and R. H. Worthington, *The Law of Public Health and Safety and the Powers and Duties of Boards of Health*, Albany, Bender, 1892.

2. H. B. Heminway, *Legal Principles of Public Health Administration*, Chicago, Flood, 1914.

3. J. A. Tobey, *Public Health Law, A manual of law for sanitarians*, Baltimore, Williams & Wilkins, 1926.

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prove of practical value to health officials and other sanitarians, to students of public health, to physicians, and to judges, attorneys, and government officials.

J. A. T.

*New York, April 1939*

## PREFACE TO THE THIRD EDITION

THE noteworthy progress in recent years in public health administration has made necessary a third edition of this text. The work of revision was undertaken, therefore, immediately after the author's return from a service of nearly three years overseas with the military government of the United States Army.

Much new material has been added for this edition, although there have been relatively few changes in the fundamental legal principles set forth. About 250 new decisions of courts of last resort on various aspects of public health law have been referred to or abstracted, numerous alterations in governmental organization and administration have been noted, and important legislative trends have been reported.

It is hoped that the book may continue to serve a useful purpose in the interpretation of law to the public health officer, and of public health to the lawyer and the judge.

J. A. T.

*Rye, N. Y.*  
*October 1, 1946*