

William Forbes manuscript rediscovered

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Prof Ernest Metzger of the School of Law has announced the rediscovery of an 18th century manuscript by William Forbes (ca. 1688 – 1745), the first Professor of Civil Law in the University.

The Chair was founded in 1713 and Forbes was appointed to give lectures in Roman law and Scots law. Though he wrote and published widely on Scots law, almost nothing of his Roman law writings had survived. Early in the last century there was rumour he had left behind a commentary on Justinian's Institutes, a famous text-book of Roman law. But in recent times, when the latest scholar on Forbes undertook a search, the trail went cold, the scholar concluding the rumour was mistaken and there was no such manuscript.

We now have in hand the rumoured manuscript, formerly authorless in the University's manuscript collection, identified only as "17th century". The find is particularly timely: the School of Law is celebrating the Tercentenary of Forbes's Chair—the very beginning of the School of Law itself.

Authorship

From the start it was clear the manuscript was probably the work of Forbes, since the [handwriting](#) was so close to known examples from Forbes. But authorship is tricky and Prof Metzger sought out Robert MacLean of the University Library, and they proceeded together to consider the manuscript more closely. They discovered various notes inserted into the manuscript, the notes written on the backs of envelopes

addressed to Forbes. One of the notes (the draft of a letter) was amusing: "Sir, you might have spared yourself the trouble of writing to me about my sons Bill you pretend to have for ... work some years ago. For I'll pay none of his Bills...." Another note, this one physically pinned into the text, added to or corrected a page of the manuscript. The two notes, the envelopes addressed to Forbes, the nature of the manuscript, the handwriting, and even some oblique accession details are together compelling evidence that the manuscript is the work of Forbes.

The manuscript

Forbes's commentary on the Institutes would probably be called an "old-fashioned" work even in its own time. Forbes takes little snippets of the text he's commenting on (Justinian's Institutes) and makes observations. He might have picked up this style of commentary in Leiden in the 1680s—at least if Prof John Cairns (Edinburgh) is right in his hypothesis that Forbes studied there. It's quite likely that Forbes used the manuscript to teach his class in Civil (Roman) Law at Glasgow: students will have dutifully written down Forbes's observations and then submitted to examination on them.

In the fullness of time the manuscript will be available for review by a wider readership. Prof Metzger hopes to reproduce the success of his colleagues Prof Ronan Deazley and Dr Ross Anderson, who successfully saw through the digitisation and dissemination of Forbes's seven-volume manuscript, "The Great Body of the Law in Scotland". This new manuscript promises to tell us a great deal about Forbes, eighteenth-century legal scholarship, and the teaching of law at the University of Glasgow.

Professor Rosa Greaves, Head of the School of Law, says "Such a perfect and timely discovery for our tercentenary year. Many congratulations to Prof Metzger."

Provided by University of Glasgow

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