

An Examination of Widows' Status within the Orphan Chamber of New Amsterdam

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Introduction

As the settlement of New Amsterdam matured, its colonists strove to replicate their home country's legal and social institutions on New World soil. One such fixture was the Orphan's Chamber – a court that would ensure the financial and material security of children who lost one or both parents.¹ In this paper, I couple case details with quantitative analysis to examine features of widowhood and womanhood in New Netherland, by thematically examining: the temporary status of widowhood in New World conditions, female exclusion and inclusion in the Orphan Chamber, variations in marital relationships that shaped estate allocation and administration, variations in widowhood due to wealth, the Dutch Reformed Church's influence on widow's livelihoods, and the variability or lack thereof in widow's experiences due to ethnicity. Widows and women in New Netherland exercised legal and social privileges, especially with regard to property and inheritance, that their contemporaries in British America could never imagine – yet their situation remained far from enviable with the perils of economic uncertainty and truncated social networks. The Orphan Chamber is a valuable insight into the legal and societal status of widows within New Amsterdam, as its operations were shaped by Dutch civic tradition, Roman-Dutch law, and conditions on American soil.

¹Adriana E. van Zwieten's article "The Orphan Chamber of New Amsterdam," thoroughly covers the political, municipal, and financial implications of "the transfer of a particular institution from the Old World to the New and how the Dutch handled a common colonial problem" – orphanhood (319). David Narrett's essay "Dutch Customs of Inheritance, Women, and the Law in Colonial New York City" also examines the colony's transition between Dutch and English law by analyzing wills left by New Yorkers in the century after English conquest of the colony (29). He undergoes a similar and extensive analysis in his book, *Inheritance and Family life in Colonial New York City*, with a thorough attention to the Orphan Chamber. Unlike the work of van Zwieten and Narrett, I narrow my focus to appraise the experiences and privileges of widows within the institution. For a discussion of my quantitative methodology, see the appendix.

The Orphan Chamber and its Functions

The Orphan Chamber, modeled on the civic institution in the Netherlands of the same name, ensured that orphaned children received their inheritance. Every aspect of the system was shaped by the fact that married couples, under Roman-Dutch law, held their property in common in a “community of goods.”² This strongly contrasts the common law status of women in the English colonies – as *femme couvert*, married English women were considered legal minors, unable to administer their own property by making wills, contracts, or testifying in court.³ In New Netherland, a surviving spouse would typically receive one-half of a deceased partner’s estate, with the rest equally divided among children. This is a substantially larger proportion than dower rights in the surrounding English colonies, typically one-third of a decedent husband’s estate.⁴ Heirs were considered minors until the age of 25 or marriage, whichever came first – giving the widow substantially more time to oversee her child’s share.⁵ Indeed, children were considered orphans if one or both parents died, underscoring the Dutch conception of childrearing as a joint enterprise. The Orphan Court assigned every estate guardians and/or administrators, who were to ensure that the children’s inheritance was not diminished. Surviving parents also had the option of *uitkoop*, or “buying out” their children’s bequeathed property from the decedent’s estate, placing the cash value of the inherited assets in the Orphan Chamber’s vault.⁶ In this way, the Orphan Chamber was a complex legal, political, and financial system,

² Carol Berkin, *First Generations* (New York: Hill and Wang, 1996), 84. David Narrett, “Dutch Customs of Inheritance,” in *Authority and Resistance in Early New York*, ed. William Pencak and Conrad Edick Wright (New York: New York Historical Society, 1988), 31.

³ Linda Hill Biemer, *Women and Property in Colonial New York: The Transition from Dutch to English Law 1643-1727*, (Ann Arbor, Michigan: UMI Research Press, 1983), ix, x.

⁴ Berkin, *First Generations*, 86.

⁵ R.W. Lee, *An Introduction to Roman-Dutch Law*. (London: Oxford University Press, 1961), 43.

⁶ Adriana E. van Zwieten, “The Orphan Chamber of New Amsterdam,” *The William and Mary Quarterly* 53, no. 2 (1996): 332-333.

which encapsulated several key facets of society in New Amsterdam. I will refer to these basic operations of the Orphan Chamber throughout the paper, specifically exploring them in the context of widows' status and experiences.

Frequency of Widowhood

Widowhood was an extremely common circumstance among the women of New Netherland. The Orphan Chamber itself was instituted in the direct aftermath of the "Peach War" of 1655, a conflict with local Indians that caused many outlying settlements to contract behind the fort's walls.⁷ The first records of the Chamber then are rife with references to "the late disaster," and are characterized by the frequent loss of both husband and wife, unlike most other records. In the records, nine decedents are directly associated with the "Indian attack" of 1655.⁸ This omnipresence of death in seventeenth century American conditions is reflected even within the language of testaments, as two testators declared, "...considering the brevity of human life on this earth, which is perishable like grass and hay, yea, like a flower in the field; that nothing is more sure, than death and nothing more uncertain than its time and hour, they wish to anticipate this uncertainty..."⁹ Thus, many women in New Amsterdam experienced widowhood, with 43.3% of the cases before the Orphan's Court explicitly naming a widow.¹⁰ After the death of a spouse, widows tended to remarry – with the average widow, out of 45 total widows represented

⁷ Henri and Barbara Van der Zee, *A Sweet and Alien Land: the Story of Dutch New York*, (New York: The Viking Press, 1978), 271-275.

⁸ Berthold Fernow, *The Minutes of the Orphanmasters of New Amsterdam 1655-1663*. (New York: Francis J. Harper, 1902), 3, 4-5, 5, 5, 9 (two decedents), 15-20 (two decedents), 31-32.

⁹ Fernow, *Minutes of the Orphanmasters*, 200.

¹⁰ N=104 total decedents, 32 female decedents, 72 male decedents, 28 cases with no survivors, 45 widows, 24 widowers.

in these documents, having 1.533 marriages.¹¹ Many of these women married men who had lost a spouse, with the average widower out of 24 total widowers in these records having 1.458 marriages – a situation that often resulted with each party bringing children with them into their new unions. These statistics, as represented within the Orphan Chamber, mirrored those of the greater New Amsterdam community. 31.2 percent of all marriages in the Dutch Reformed Church of New Amsterdam from 1661-1664 involved at least one previously widowed party, with 10.4 percent of all marriages uniting a widow and a widower.¹² Thus, widows often formed new “composite families,” to borrow the term from scholars of Chesapeake widowhood, with children from first, second, and even third marriages in the same household. This quick pace of remarriage could be attributed to the strained economic situations of many widows, a condition which I will more thoroughly explore in my section about wealth and its influence on widow’s experiences. Indeed, frontier conditions and cultural attitudes likely shaped a woman’s haste to remarry, and made widowhood an extremely common and thus significant social position for the historian to understand.

Female Exclusion and Accommodation within Orphan Chamber Operation

Guardians ensured the effective operation of Orphan Chamber – yet, women were expressly excluded from the position.¹³ The inventories that guardians created were often the only estimate available for the value of an estate – making their commission of extreme importance to estate settlement. Despite the exclusion of women from the office, the Orphan Chamber was extremely sensitive to a widow’s wishes about guardian appointments. If the

¹¹ Pending marriages were counted as marriages in my statistics, the marriages of decedents were not counted in this statistic.

¹² David E. Narrett, *Inheritance and Family Life in Colonial New York City*, (Ithaca, New York: Cornell University Press, 1992), 63.

¹³ Lee, *Roman-Dutch Law*, 103.

widow had suggestions for guardians, especially among kin, the Orphan Chamber would grant it. Indeed, family and friends often accompanied the survivor to the hearings, illustrating the importance of kinship networks to the widow.¹⁴ If she had no one to suggest, which occurred frequently among recent immigrants to the New World, the Orphan Masters would appoint prominent and “disinterested” community members (often city officials) to the role. “Disinterested men” likely accepted these appointments not only for their senses of civic duty, as guardians and administrators could draw a stipend of approximately five percent from the income, or interest earned, on the inheritance.¹⁵ This extreme care for appropriate guardian appointment is best illustrated through the Board’s immediate reaction to widows’ complaints about the appointed guardians. Madaleen Dircx and Maria Verleth are two widows who resisted the initial appointments of guardians – with Dircx eventually naming her suggested replacements and the Orphan Masters appointing impartial individuals for Verleth.¹⁶ Although women could not be commissioned as guardians or administrators, they still occupied important roles in the operation of the Orphan Chamber, usually in the administration of a decedent’s property or a widow’s living situation. When a guardian alerted the Orphan Court that the widower Jacob van Couwenhoven was alienating his deceased wife Hester Jans’ estate, the Orphan Court immediately took the precaution of entrusting the decedent’s clothing and jewelry to her mother.¹⁷ Indeed, widows left without a home but with some resources often lived in the homes of other women in the community – with board arranged within the Chamber. This occurred

¹⁴ van Zwieten, “The Orphan Chamber,” 329.

¹⁵ van Zwieten, “The Orphan Chamber,” 329-330.

¹⁶ Fernow, *Minutes of the Orphanmasters*, 7,8, 11,12.

¹⁷ Fernow, *Minutes of the Orphanmasters*, 20,21.

twice in the records, and shows that this temporary arrangement was preferable to the alternative of living with the Deaconry, a condition I will more fully explore below.¹⁸

Marital Relationships through the Orphan Chamber

Through the proceedings of the Orphan Chamber, we can catch glimpses of the various marital arrangements that determined a widow's relationship to her husband's property after his death. The respect which many husbands held for their wives is evident in the joint wills recorded in the Orphan Chamber's books, sixteen of which are recorded by the Orphan Masters. Although the Orphan Chamber followed certain protocol for the distribution of property, especially by ensuring the orphan's share, many couples augmented or substituted the Chamber's proceedings with their own testaments. Only if a decedent was intestate could the law dictate inheritance.¹⁹ Indeed, the Orphan Chamber could be entirely excluded from an estate if an "exclusionary clause" was specifically enumerated in the reciprocal testament – five of which were recorded in the records.²⁰ In eight of these testaments, or half of the total testaments recorded, the surviving spouse was granted the entire estate, as a "universal heir" – assumedly, the spouses recognized each other's ability to oversee the family's finances better than a third party.²¹ Dutch law certainly recognized the entrepreneurial aspects of marriage by acknowledging it as a partnership over a "community of goods" – over which each spouse would be responsible.²² The Orphan Chamber also importantly functioned as a financial institution, loaning money out to community members and earning interest on estates deposited. The assets

¹⁸ Fernow, *Minutes of the Orphanmasters*, (174, 192, 193), 193.

¹⁹ Fernow, *Minutes of the Orphanmasters*, v.

²⁰ Fernow, *Minutes of the Orphanmasters*, 104, 119-120, 165, 196-199, 218, 226.

²¹ Fernow, *Minutes of the Orphanmasters*, 89-91, 119-120, 120-121, 162-166, 196-199, 199-202, 216-220, 239-240.

²² Berkin, *First Generations*, 84. Narrett, "Dutch Customs of Inheritance," 31.

that the Orphan Chamber invested in were low risk, like city securities or loans to the government. This perhaps caused some families to grant the surviving spouse control over the estate to invest in more lucrative but risky investments – showing that some spouses did trust each other’s investment acumen.²³ The widows who possessed joint wills and majority stakes in estates were thus likely more involved with the business decisions of their family during their husband’s lifetime - although not every Dutch woman was well-integrated into their husband’s civic and professional life. In a few instances, a testator granted power of attorney to someone other than his wife – remarkable because under Roman-Dutch law, a spouse was somewhat of a “default” administrator of property. Twelve individuals claimed power of attorney over ten estates in the records,²⁴ eight of these estates which a widow was eligible to oversee.²⁵ Two of these eight power of attorneys were granted only for the individual oversee the decedent’s property in Fort Orange, a matter of convenience for the widow.²⁶ Indeed, a few testaments specified that a widow could oversee her whole husband’s estate - until she remarried. This fear of estate adulteration after remarriage is common throughout the Orphan Chamber’s proceedings and the testaments of New Amsterdammers. The practice of writing mutual wills lasted until the early eighteenth century among some Dutch New Yorkers – signifying the endurance of equitable marriages within the community.²⁷

²³ van Zwieten, “The Orphan Chamber,” 334. Van Zweiten bases much of her analysis of the financial functions of the Orphan Chamber on the operations of New Amsterdam’s counterpart in Amsterdam.

²⁴ Fernow, *Minutes of the Orphanmasters*, 2, 3, 58-59, 115, 137-139 (three separate individuals with claims on one estate), 138-139, 152-153, 158, 183 (not in final count, as it represents a claim on the estate otherwise not included in the records), 189, 224.

²⁵ Fernow, *Minutes of the Orphanmasters*, 2, 58-59, 115, 137-139, 152-153, 158, 189, 224.

²⁶ Fernow, *Minutes of the Orphanmasters*, 115, 152-153.

²⁷ Berkin, *First Generations*, 85.

Wealth and the Orphan Chamber

Wealthier widows had their interests more firmly represented in the Orphan Chamber – as its structure placed emphasis on the distribution of property. This focus on propertied children was a legacy of the Orphan Chamber of Amsterdam, which dealt almost exclusively with the “economically stable classes,” and those with burgerrights, or citizenship privileges.²⁸ The larger and often more far-flung estates of wealthy families required much more time and effort for the Orphan Chamber to settle: lengthier inventories, longer time to pay/collect debts, and months to correspond with transatlantic and Caribbean business contacts. As I mentioned above, widows certainly had varying degrees of involvement in their husband’s affairs – in a few instances, widows even traveled across the Atlantic to settle their deceased husband’s estate. Joanna de Laet, a recently remarried widow, traveled to Holland to recover a substantial debt due to her deceased husband, equivalent to the cost of 319 beaver skins. The Orphan Masters required her to mortgage all of her property and a substantial portion of her new husband’s property as security, and sent along with her a letter to be delivered to the debtor. Upon her return, the Orphan Masters questioned her about the estate settlement and required her to bring proof that she had given security in Holland.²⁹ Thus, although de Laet demonstrates her ability to execute her property by directly collecting debts, the Orphan Masters exercised a fair amount of oversight over her and her actions due to the large size of her deceased husband’s estate. With the Orphan Chamber’s strong emphasis on property distribution, poor widows could exercise more discretion with their husband’s estate. Lysbet Ackerman, called before the Board to deliver a statement and inventory before her pending remarriage, informed the Orphan Masters “that she

²⁸ Anne McCants, *Civic Charity in a Golden Age: Orphan Care in Early Modern Amsterdam*, (Champaign, Illinois: University of Illinois Press, 1997), 22, 30.

²⁹ Fernow, *Minutes of the Orphanmasters*, 107-110, 157.

has only a few household goods, of which she occasionally has to sell some to procure food for her children”³⁰ – after which she was dismissed by the Orphan Masters.³¹ Indeed, with her pending marriage Ackerman and her children were about to enter a new “community of goods” that they hoped would secure their livelihood. For women who did not remarry, options were significantly different, as I will explore below.

The Dutch Reformed Church and Widows

The Dutch Reformed Church, as the dominant religious institution in New Amsterdam, played a large role in the lives of widows because of its influence and solemnization over both the institution of marriage itself and civic charity. Indeed, before the formation of the Orphan Chamber in 1655, the Deacons were often the acting Orphan Masters of the small settlement.³² Even after the Orphan Chamber was established in 1655, the Dutch Reformed Church and its practices affected the lives of a few widows, especially those without means to comfortably support themselves. Widows who had exhausted their share of their deceased husband’s estate, and lacked extensive kin networks, found themselves and their children sent to live with the Deaconry. When her husband’s estate was spent on board, the Orphan Masters “turned over” Grietje Adams to the Deaconry with a recommendation that they “take good care of her and support her.”³³ This is the only occasion that I found of a widow being sent to live with the Deacons – the only other instance of this living arrangement in the records involved small children who had lost both parents, and were thus not old enough to be apprenticed or bonded to

³⁰ Fernow, *Minutes of the Orphanmasters*, 242.

³¹ Narrett, *Inheritance and Family Life*, 63.

³² Fernow, *Minutes of the Orphanmasters*, vi, vii.

³³ Fernow, *Minutes of the Orphanmasters*, 193-194.

a family.³⁴ In addition to its charitable functions, the Deaconry was responsible for the most accurate information on pending marriages. The Orphan Chamber successfully utilized the Church's publication of marriage banns, or announcements of upcoming nuptials, to know whether a surviving spouse had to be summoned to settle the decedent's estate. By statute, the banns had to be in place for three Sundays or market days - allowing institutions like the Orphan Court and the community at large to ensure the legitimacy of the proceedings.³⁵ Narrett found that over two-thirds of all Orphan Master orders for estate settlement were issued after a survivor had been engaged to remarry.³⁶ Indeed, many surviving spouses did not settle the decedent spouse's estate until they planned to remarry, both by Chamber summons and of their own accord. Until these estates were settled, the Orphan Chamber had the ability to forbid widows from remarrying. This prohibition was levied on men and women alike, with equal force.

In these records, I found a particularly intriguing and singular instance of the Deaconry exercising exceptional power over the lives of women and the property due to them. Abraham Jansen van Salee, alias "the Turk," was the brother of the infamous Anthony Jansen van Salee that had been a thorn in the side of the city for years. Indeed, with Anthony's marriage to the New Amsterdam's first prostitute and the family's association with piracy, the brothers remained an embarrassing reminder of the frontier settlement's rude beginnings.³⁷ Anthony and Abraham were mulatto, the progeny of a Dutch pirate father and a Moroccan concubine mother, and most likely practiced Islam.³⁸ When Abraham died in 1659, his landlady complained to the Orphan Chamber that despite his testament that left property to "the negro-woman and the child, he has

³⁴ Fernow, *Minutes of the Orphanmasters*, 31.

³⁵ Lee, *Roman-Dutch Law*, 61.

³⁶ Narrett, *Inheritance and Family Life*, 62.

³⁷ Russell Shorto, *The Island at the Center of the World*, (New York: Doubleday, 2004), 86.

³⁸ Mario de Valdes y Cocom, "The Blurred Racial Lines of Famous Families: The Van Salee Family," PBS, <http://www.pbs.org/wgbh/pages/frontline/shows/secret/famous/vansallees.html>.

had by her,” the Deacons “attached and seized the property.”³⁹ The landlady had been referred to the Orphan Chamber by the Director General – and the Orphan Chamber referred her right back to the Director General. Perhaps, the Deaconry interfered with Salee’s estate because of his perceived lawlessness, race, religion or position in society. Whatever the result of the landlady’s second visit to the Director General, Salee’s name does not appear in the Orphan Chamber’s records again – and the woman and child he left behind may have lost their property forever.

Ethnicity and the Orphan Chamber: Broad Application and Anglo Accommodation

The Orphan Chamber, while a uniquely Dutch civic and legal tradition, exerted influence over the lives of widows regardless of ethnicity. The diverse nature of New Amsterdam often encouraged marriages of individuals from different ethnicities. The nationality of parties was not consistently reported in these records; however, from a sample of 18 cases that explicitly reported the nationality of parties, three specified the country of origin of the spouses - which included unions between Dutch, Norwegian, and German parties.⁴⁰ The small size of this sample and the unreliable reporting of nationality in the records leads one to think that multiethnic unions were commonplace in New Amsterdam. Although inter-ethnic marriages appear commonplace and accepted within this community, I could not find an instance of a marriage between a European and a non-European – signifying a nascent race consciousness in New Amsterdam. Indeed, the only explicit mention of race I found was the unnamed “negro-woman” wife of Abraham van Salee. This heterogeneity in the parties conforming to the Orphan Chamber’s rulings signifies that the Orphan Chamber occupied a place of relevance in the lives of widows who were European but not Dutch. Yet, as the Orphan Court was a uniquely Dutch

³⁹ Fernow, *Minutes of the Orphanmasters*, 84.

⁴⁰ Fernow, *Minutes of the Orphanmasters*, 30-31,32-33.

civic institution, some did resist conforming to its mandates. As I mentioned above, an “exclusionary clause” in a testament could ensure that the Orphan Court did not meddle in the estate. Maria Verleth told the two administrators of her deceased husband’s estate that, “she was not inclined nor bound to allow the taking of an inventory, as she and her husband were citizens of *Herfort in New England*.”⁴¹ Indeed, despite her lack of an “exclusionary clause,” neither Verleth nor her deceased husband appear again in the records of the Orphan Chamber – perhaps signifying that the court honored her request or diffused her intransigence. Twice, the Orphan Chamber translated relevant documents for the court from English into Dutch, signaling a growing accommodation for Englishmen and women within the system.⁴² Indeed, understanding the beginning of this conflict between legal traditions is important. After 1664, when English law was adopted in the settlement, civic institutions like the Orphan Masters would wither away – with direct consequences for the legal status of women, as the number of women pressing or denying claims in court contracted by nearly half yearly between 1664 and 1674.⁴³

Conclusion

New Netherland is not often included in the narrative fabric of American colonial history. Understanding gender relations in this unique society’s institutions is a key window into the social history of New Netherland. To parse out women’s legal and social position in New Amsterdam, and the variations thereof, I examined: the frequency of widowhood in New Amsterdam’s frontier conditions, female roles within the Orphan Chamber, relative equitability of marriage through mutual wills, variations in the Orphan Master’s oversight of widows due to wealth, the Dutch Reformed Church’s influence on marriage and widow’s livelihoods, and the

⁴¹ Fernow, *Minutes of the Orphanmasters*, 14.

⁴² Fernow, *Minutes of the Orphanmasters*, 49, 73.

⁴³ Berkin, *First Generations*, 87.

broad application of the Orphan Chamber and its rulings to non-Anglo widows. We can thus ascertain that widows in New Amsterdam occupied a legal and social position that allowed them control over their property, and agency in its disposal. Indeed, studying the variations in women's experiences in what would become the United States of America allows one to understand that women's history is neither linear nor homogenous – and merits close study.

Appendix – Methodology

For this project, I analyzed the records in Berthold Fernow's translation of "The Minutes of the Orphanmasters of New Amsterdam: 1655-1663," available online in digital format. Although comparable records for Beverwyck and the period from 1663-1668 exist, I chose to analyze these records on their own – eliminating any variations presented by geography and English political control of the city. I created a Microsoft Excel spreadsheet documenting each separate instance of an appearance before the Orphan Court, as some estates required many court appearances to settle. This documentation, organized by decedent name, also allowed me to ensure that each case was counted for the relevant statistic(s) once, despite many variations in spelling. The categories that I documented include: whether the case appeared previously in the records, decedent name, survivor name, guardian appointment, other associated names, age of survivor, place of origin of survivor/decedent, procedure, solution, professions, mention of religion, mention of kin, mention of burgherright, value of property named, number of marriages, power of attorney granted to a non-survivor, widow objections, decedent death, method of appearance before court, whether the husband and/or wife was deceased, whether the widow chose the guardians of the estate, and whether the decedent left a will. Maintaining these records as profiles was indeed more tedious than list-making, yet it allowed me to gain a sense of continuity in the records, and gather detail to be utilized for my further reference.

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