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In Loco Parentis: Holland's orphan chambers in a European context

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ABSTRACT

Various well-known forms of safeguards for life-cycle risks have been described extensively for the early modern era. In this paper I want to draw attention to one specific and often underrated one, the risk of being orphaned at a young age, and the changing social arrangements covering the consequences. The mortality pattern of European cities translated into high numbers of young orphans. Most of them did not need the physical care provided by orphanages and were taken in by family or friends. However, some of them needed assistance to safeguard assets they had inherited from their parents. All over Western Europe, institutions emerged to act *in loco parentis*, and supervise guardians and secure the transfer of inheritances. Through our analysis of Holland's orphan chambers in a European context, we highlight the importance of a hitherto neglected aspect, namely the dynamics of urban growth and migration. In that way, we aim to provide a more profound understanding of the precise functions, and the rise and decline of these remarkable institutions and show their importance as welfare arrangements.

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1. Introduction

Nowadays we are familiar with a range of arrangements designed to protect us against life-cycle events (such as falling ill, aging, or partner loss), disasters, or the loss of property. Think of commercial arrangements such as life insurance, health insurance, funeral insurance, and fire insurance, but also collective welfare arrangements such as social security organised by labour unions or the state. Some of these collective welfare arrangements date from the middle ages or the early modern period. For instance, when guild members died, some guilds paid for their funeral or paid their widows an allowance. Another well-known example of a collective welfare arrangement was the poor relief provided by many churches and cities. Strikingly, in these overviews the life cycle risk of becoming an orphan, and the provisions for that risk get little attention. (Van Gerwen & Van Leeuwen, 1998; Van Leeuwen, 2000, pp. 10-17).

The risk of parental loss before adulthood, before a child's legal age, was ten times higher in the sixteenth century than in the twentieth century. Moreover, most of these orphans and half-orphans were very young (Carlton, 1973, p. 309; Clark, 1990, p. 177).

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Becoming an orphan was just as common then as it is to have divorced parents nowadays (Carlton, 1978, pp. 121–122). Generally, when we think of care for orphans, we tend to think of orphanages. However, the capacity of orphanages was limited and most orphans stayed with friends and family (Groenveld et al., 1997, p. 29–32; Vredenberg, 1983, p. 7–9, 65; McCants, 1997, pp. 23, 34, 212). The more general interest of the family was to ensure the safe transfer of property from one generation to the next. Therefore, special attention would be paid to the child's inheritance (Roes, 2006, p. 275). In some periods and under circumstances of demographic flux, families were unable to devote adequate attention to this issue, thus increasing the risk that orphans would never receive their inheritance.

Remarkably similar orphan care institutions existed side-by-side with orphanages across medieval and early modern Europe which should be viewed as welfare arrangements addressing a very common life cycle risk. Variously these institutions were called *ufficiale dei pupilli* in Italy (Carpentier, 1962; Fisher, 2003; McGough, 2002), Court of Orphans in Britain (Carlton, 1973, 1974a, 1974b; Barron, 2004, pp. 268–271; Thrupp, 1948, pp. 28–29), *gardes d'orphènes*, or *weeskamers* in the Low Countries (Godding, 1983; Espinas, 1902, 1913; Marchand, 1902; Danneel, 1995, p. 131–166; Vannieuwenhuysse, 1972; Maddens, 1973; Monballieu, 1967–1968; Verheirstraete, 1997; Boumans, 1965, pp. 148–150; Maréchal, 1939; Bergsma, 1855; De Roever, 1878; Oldewelt, 1942; De Gou, 1943; Smit, 1946; Hempenius-van Dijk, 1991). Similar institutions existed under other names in for instance, Germany (T. Safley, personal communication; Isenmann, 2012, pp. 488–489; Conrad, 1962, p. 411), Spain and Portugal (R. Grafe, personal communication; De Asso y del Rio et al., 1825; Lopes & Drumond Braga, 2012, p. 42). These institutions acted *in loco parentis*; they appointed and supervised guardians for orphans whose physical needs were taken care of by friends or family and they also monitored proper management of an orphan's assets, if any. Colonial powers exported and implanted these institutions in the Caribbean, the Americas, and Asia (Dennis, 1900; Hawkins, 1896; Van Zwieten, 1996; Buyskes, 1861; Weeskamer Batavia, 1924; Gall, 1988; Geschiedkundig tafereel, 1831-1836 Inventaris digitaal duplicaat, 2019; Van Soest, 1980, 1831-1836 Coates, 2001, pp. 122–126).

The literature about these orphan chambers helps us understand the emergence of orphan chambers within Europe's urban administrative context. Most authors focus on legal aspects and find that the legal origins of orphan chambers can be found in a transfer of feudal rights to fledgling cities (Bergsma, 1855; De Roever, 1878; De Gou, 1943; Smit, 1946; Hempenius-van Dijk, 1991; Verheirstraete, 1997; Monballieu, 1967–1968; Carlton, 1974a, p. 16; Clark, 1990, p. 169). However, the legal approach still leaves several key aspects of their evolution and functions unexplained. In some regions orphan chambers appear early, in others, like Holland, late and clustered (Bergsma, 1855; De Gou, 1943; De Roever, 1878; Smit, 1946). As we will see, some orphan chambers developed into public financial institutions; others did not. In some places, orphan chambers grew fast, only to wither away and disappear around 1800; in others, for example, the Dutch Indies, current Indonesia, they managed to prolong their existence until today (Schnitzeler, forthcoming 2022b).

Work on Italian orphan chambers has furthered our understanding by adding a new, demographic dimension to their origins. Following the Black Death, Florence, Orvieto, and Siena set them up to provide citizens with public guardianship facilities because high mortality had boosted the number of orphans while devastating family arrangements to

care for them (Fisher, 2003, p. 3–4, 35; McGough, 2002, p. 32–53; Carpentier, 1962, p. 146). Work on the English court of orphans stresses the urban character of the institution; in cities both wealth and social ties were more volatile than in a rural setting, making the transfer of assets to the next generation more difficult (Carlton, 1974a, p. 17,76–81, 1973, p. 307). These new and different dimensions help us to better understand what prompted city governments in some cases to adopt orphan chambers and also why they could appear clustered. However, why some orphan chambers developed broader financial functions and others did not, or why some of them disappeared after a time whereas others persisted remain open questions.

In this paper, I analyse orphan chambers in the Dutch Republic, more specifically the province of Holland, to understand precisely those two aspects: what made orphan chambers adopt broader financial functions and what made these chambers disappear or persist. The richness of sources Holland orphan chambers archives offer, in a setting of economically fast developing cities, makes Holland an ideal case study. The case of Holland orphan chambers allows for a detailed analysis of their long-term development and makes it possible to show how its function changed when the demographic and economic context in which the orphan chambers operated developed. Setting Dutch orphan chambers against the background of their European counterparts, I argue that orphan chambers represented a form of social care which was largely driven by demographic dynamics. Under certain conditions, these urban institutions took over the responsibilities for orphans and their inheritances that traditionally resided with family and friends. Their primary functions, that is, appointing and monitoring guardians and ensuring an orphan's assets were properly managed, evolved into a form of public financial services which disappeared or persisted depending on a varying set of demographic and economic factors. As a consequence of their disappearance the government's role was again reduced to monitoring how families handled an orphan's affairs.

The paper is organized as follows. In Section two we will consider in more detail the development of orphan chambers in several areas in Europe. Sections three, four, and five are dedicated to Holland. Boasted by a large trading middle class, partially of migrant origin, Holland saw the advance of a network of increasingly wealthy cities in the early modern period. Orphan chambers in Holland, influenced by the framework of the Republic, developed from legal institutions to financial institutions and a welfare arrangement for the middle classes. Archival material of several orphan chambers in early modern Holland allows for the reconstruction of their development, their financial management, and their decline. However, the amount and the nature of remaining archival material varies per orphan chamber, limiting the comparability between them in some cases. In Section three, we will analyse why dedicated orphan chambers were necessary and for whom. Next, we will look at financial management in Holland in Section four and at the decline of Holland orphan chambers in Section five. Section six concludes the paper.

2. The emergence of a welfare arrangement

The basic principles defining guardianship can be found in Roman law and laid the foundations as Roman law was received as the civilian tradition (Kaser & Wubbe, 1971, pp. 306–313; Lee, 1953, pp. 1–6,98–114). Every minor had to have a guardian, and family was the first in line to decide on this guardianship. Governments intervened only if

problems occurred. Furthermore, guardianship was first and foremost concerned with assets and not with the physical wellbeing of the minor. In feudal times that meant the lord of the land stepped in and decided on the custody arrangements of under-aged children if a problem occurred (De Roever, 1878, p. 4–12, 93–94; Clark, 1985, pp. 334–335).

The existing literature shows that orphan chambers and similar institutions emerged following a transfer of power from feudal lords to cities. By the thirteenth century, magistrates in the southern Low Countries such as Lille and Douai had supreme custody (*oppervoogdij*) over under-aged orphans. If problems arose in a family, this competence gave urban authorities the power to appoint and supervise guardians, and the obligation to oversee inheritances belonging to minors. (Marchand, 1902, p. 270, 272, 280, 283; Espinas, 1913, pp. 444–448). In the same period, urban authorities in Artois and Picardy locked valuables in the city chest belonging to widows and orphans in order to prevent them from becoming the victim of ill-intentioned family members. (Dufour, 1858, pp. 584, 616). Although some authors presume a widespread distribution from the late thirteenth century throughout the entire area, only Bruges, Lille, and Douai provide well-described cases based on archival research for that early period (Bigwood, 1921–1922, p. 439; Marchand, 1902, p. 269; Viollet, 1905, p. 590; Maugis, 1888, p. 409, 425; Thierry, 1850, p. 125, 143, 239; Bougard & Wyffels, 1966; Espinas, 1902, 1913; Maréchal, 1939, pp. 1–41). A similar development took place in various Italian cities, by the twelfth century, and in thirteenth-century London; the city magistrate appointed guardians and kept oversight. In both England and Italy, the magistrate's involvement was limited to rich citizens and in Italy often only at the family's request (Fisher, 2003, p. 20–27; Carlton, 1974a, p. 14; Clark, 1990, p. 170).

In northern Italy, the southern Low Countries, and England, the development of cities into economically important and administratively powerful centres generated not only population growth but also led to typical urban problems. About a century later the same development took place in the northern Low Countries. Cities saw a steady flow of immigrants and frequent epidemics and poor living conditions led to high mortality (De Vries, 1984, p. 200; Van der Woude, 1982, pp. 55–75). Urban authorities were confronted with soaring numbers of under-aged orphans; most of these orphans and half-orphans were very young. In fourteenth-century London, more than a quarter of the children who lost a parent were younger than six (Carlton, 1973, p. 309; Clark, 1990, p. 177). In the growing cities, the existing arrangement, with families in the lead and urban authorities in the background, no longer sufficed, prompting the emergence of a broader and mandatory welfare arrangement. The success of the middle classes meant that more children inherited, and their inheritances took a different form. In contrast to the countryside, where assets in the form of land and farms were visible and straightforward, ownership of assets in the city was more precarious. In the urban economy movable assets were often more important than immovable assets. However, movable assets such as trading stock or tools needed for crafts could diminish in value, or even disappear (Howell, 1998, p. 19–20, 24, 55–57; Roes, 2006, p. 36–38, 207; Carlton, 1974a, pp. 17, 76–81). Additionally high mortality made remarriage very common and consequently the need to protect financial

interests of children from the previous marriage. Migration further complicated matters; when cities were growing through migration, networks to support orphans could be incomplete.

In the late middle ages and early modern times – a period of considerable urban growth – the approach of local authorities gradually changed in response to these changing circumstances. No longer did they act as supervisors intervening when the family could not. On the legal foundations of supreme custody, cities developed specific welfare arrangements designed to take over both the role of the family with regard to custody, and the responsibility for the oversight over the orphan's money (Van Ossenbruggen, 1902, pp. 110,189–191). Cities first appointed dedicated officials for the handling of custody cases and the liquidation of estates. Over time, under the influence of rising workloads, dedicated institutions developed based on mandatory arrangements setting aside the principle that families had the first say (Carlton, 1974b, p. 124; De Roever, 1878, p. 25; Fisher, 2003, p. 44). In the Low Countries, Italy, and England remarkably similar institutions for the supervision of guardianship emerged under a variety of names: those institutions broadly fulfilled the same three functions. Firstly, orphan chambers recorded property: they made inventories of the deceased's household, settled the estate, and sold goods when necessary. The orphan's share was registered and it was seen to that a return on the money would be generated. Secondly, orphan chambers appointed guardians and supervised their financial management until the child became of age. Thirdly, orphan chambers delivered various financial and administrative services such as providing a safe place to store valuables.

In Lille, the first dedicated officials, orphan masters (*gardes d'orphènes*), were appointed between 1235 and 1320, and a dedicated institution was established between 1364 and 1388 (Marchand, 1902, pp. 272, 280, 283). In Florence, Orvieto, and Siena a dedicated institution was formed after the plague of 1348 left large numbers of broken families in its wake (Fisher, 2003, p. 3–7, 35, 44; Carpentier, 1962, p. 146). In Italy, England, and some cities in the southern Low Countries, the target group of orphan chambers was restricted to orphans of considerable wealth. (Espinass, 1913, part 1, pp. 558–559, part 3,66–67). Contemporaries regarded the London court of orphans as a safeguard against the collapse of a family business in case of the early death of the paterfamilias. The liquidation of an estate by the court of orphans included settling and recovering debts. This allowed for the continuation of the web of credit that connected the merchant community (Carlton, 1974a, p. 76). In London, as well as in Italian cities, orphan chambers provided insurances necessary for the trading classes; the same group that had promoted the establishment of these institutions, and that provided the rulers of these cities (Fisher, 2003, p. 4–7; Clark, 1990, p. 170).

In the course of the fifteenth century, the institution that previously served only the upper layer of the cities in the southern Low Countries expanded to a broader group. By 1492, the regulations of the orphan chamber in Courtrai show that they oversaw the appointing of guardians for all citizens regardless of whether they had assets (Vannieuwenhuysse, 1972, p. 32). The same change in regulations happened in Florence, after 1473 (Fisher, 2003, pp. 218–227). However, in both cases it remains unclear if and how these rules were applied for children without assets. In England, this regulatory change did not take place, and the court of orphans remained an institution for a restricted, well-to-do group. However, in the sixteenth century more English cities

established courts of orphans, which increased the courts' reach considerably (Clark, 1990, p. 186; Carlton, 1974a, pp. 23–33). In several other towns in Flanders (Ghent, Kortrijk) and Brabant (Leuven, Brussels, Antwerp, Mechelen), the magistrate took responsibility for the supervision of guardianship in the course of the fourteenth and fifteenth centuries. Sometimes designated institutions adopted this responsibility; sometimes one or more aldermen became dedicated officials (Danneel, 1995, pp. 131–166; Vannieuwenhuyse, 1972; Maddens, 1973; Monballieu, 1967–1968; Godding, 1983, pp. 149–174; Verheerstraete, 1997; Boumans, 1965, pp. 148–150).

The development of institutions in the southern Low Countries, England, and Italy confirms that their focus was on the orphans' assets not on their wellbeing. The work of orphan chambers changed from simply recording property and keeping it safe, into an early form of financial management ensuring a return on the money. The most common way to generate a return was to invest the orphans' money in city debt. This was quite a beneficial arrangement for both parties: cities gained access to easy, long term credit and orphans received a stable interest. In the late middle ages, some cities, like Bruges, even made depositing orphan money in the city chest compulsory. (Maréchal, 1939, pp. 7,11–12). In England, the child's portion could also be lent to a third party in exchange for interest, with the obligation to provide surety (Oldland, 2010, pp. 160–174). In Florence, pupils' money also flowed in the city chest, and was used to ease Florence's substantial debts (Fisher, 2003, pp. 44, 48,50–52).

However, this beneficial relationship between city debts, on the one hand, and a desire for returns, on the other, did constitute a risk. At the beginning of the fourteenth century, Bruges experienced severe financial problems; as a result, all payments on orphan money had to be suspended, and the obligation for guardians to deposit the money in the city's chest was abolished (Maréchal, 1939, pp. 21–22,26–28). Payment of interest to orphans by Flemish cities stopped altogether between the end of the fifteenth and the end of the sixteenth century. Orphan chambers ended the hands-on financial management, instead orphan chambers obliged guardians to generate a return on the orphans money (Godding, 1982, p. 564; Van Houtte, 1930, pp. 106–108). A similar development occurred in London. From the sixteenth century, the orphan's capital was almost exclusively deposited in the town hall's chest, but when the city went practically bankrupt in the late seventeenth century, this practice was abolished (Carlton, 1974a, pp. 90–101; see however Le Mesurier, 1934, pp. 102–103).

Orphan chambers in the northern Low Countries, like their counterparts in Italy, England, and the southern Low Countries were developed on the legal foundations of feudal rights. However, as dedicated institutions they appeared about a century later than their counterparts. The material available in the archives of a number of Holland orphan chambers allows us to analyse this development in more detail, as we will show in the next sections.

3. The evolution of orphan chambers in Holland

We start our analysis of the development of orphan chambers in Holland by dissecting early urban rights. The shift of responsibilities from the lord of the land to cities and the cities' growing responsibilities, culminating in supreme custody over all minors, can be traced back to 1217. In that year, the count of Holland and Zeeland granted urban rights

first to Middelburg, and subsequently to several other towns in the following years: Westcapelle 1223, Domburg 1223, Zierikzee 1247. These urban rights stipulated that if someone held possession of the goods of an orphan, he needed to provide a guarantee before the magistrate in order to render the orphans' goods secure (Van Mieris, 1753–1756, Vol. 1, pp. 174, 186, 191, 242). Likewise, regulations on devolutions rights (i.e. who inherits) and guardianship (i.e. who becomes guardian) were laid down in early urban charters such as the charter of the city of Haarlem in 1245 (Van Mieris, 1753–1756, Vol. 1, p. 224). Then, in 1303, the city of Dordrecht received the right to replace a guardian if the latter did not act in the child's best interests. The first orphan masters were appointed as dedicated officials in Delft in 1355 after the magistrate of the city of Delft was given the obligation to secure and manage the orphans' goods (Van Mieris, 1753–1756, Vol. 2, p. 837). By 1450 most city magistrates in the northern Low Countries had supreme custody over minors (Van Mieris, 1753–1756, Vol. 2, pp. 28–29, 36–37, 201, 674). Most cities also registered statutes for orphan chambers between 1450 and 1480: Haarlem in 1407, The Hague 1451, Veere 1455, Gouda 1460, Amsterdam 1466, Rotterdam 1470, Zierikzee 1473, Leiden 1475, Middelburg 1477 (Lee, 1953, pp. 100–101; Huizinga, 1911, pp. 111–113; Bergsma, 1855, p. 4; Van der Veen, n.d.; <https://www.archiefman.nl/inv/ac3.htm>, consulted on 7 January 2021; De Roever, 1878, p. 23–24; Moquette, 1907, p. IV; Gemeentearchief Schouwen-Duiveland, call no. 48b; Hamaker, 1873, pp. 175–178; Unger, 1923, pp. 51–57). From the late sixteenth century, Holland orphan chambers became more and more standardised and by the end of the seventeenth century not only each city of Holland, Zeeland, and Utrecht had an orphan chamber, but also small towns such as Haastrecht and villages such as Ammerstol, Maassluis, and Graft.

All in all, the orphan chamber had become part and parcel of the organisation of life in the Dutch Republic. Holland orphan chambers had the same three functions as orphan chambers in other European regions: determining the orphan's share and ensuring a return on the money; appointing and supervising guardians; delivering various financial and administrative services such as providing a safe place for keeping valuables. In addition orphan chambers sometimes also managed inheritances under *fidei-commissum* but, finding the workload heavy, tried to avoid it and left them for notaries to deal with (Noordkerk, 1747, Vol. 2 p. 642; Zijjderduijn, 2011, pp. 343–3530).

The Holland orphan chamber statutes show that an important change had taken place: the regulations took the form of mandatory law. Everybody had to comply with the control of the orphan chamber and, at every death, proof had to be shown whether or not a minor was involved, subject to a fine. So families were no longer in charge; they had to submit to the urban authorities (Hamaker, 1873, p. 384 ff; Rollin Couquerque & Meerkamp van Embden, 1917, p. 155 ff).

Evidently, these arrangements were urban, but the Estates of Holland and the Court of Holland took care to retain ultimate oversight. They had an important influence on standardising orphan chamber regulations, especially regulations concerning the orphans' finances. This role was all the more remarkable given the cities' fiercely defended autonomy in just about everything else. As a rule, cities submitted new regulations and changes to old regulations, especially about financial aspects, for approval to the Estates of Holland. Remarkably, not only smaller towns and villages, but also the city of Amsterdam asked for the Estates' approval of their regulations: Amsterdam in 1642,

Brielle 1644, Bergen in Kennemerland 1647, Amsterdam 1656, Naarden 1661, De Rijp 1661, Oostzaandam 1707 (National Archives The Hague, 3.01.04.01, call no's 1600, 1601, 1604, 1610, 1614, 1651). The Estates defined important aspects of orphan chamber law for the whole province in 1592, and although a proposal for a general, uniform regulation came to nothing in 1615, orphan chamber law became more and more standardised (De Gou, 1943, p. 1; De Groot & Fockema Andreae, 1910, pp. 14–21).

How can this development of growing numbers of orphan chambers in Holland be explained? A first explanation is that cities and villages partly or even completely copied each other's regulations. Learning from, referencing to, copying, or using the neighbours law as subsidiary is a well-known legal phenomenon that can also be found in for example, mercantile law or urban rights. It is a reflection of mutual interaction between cities that stood in close contact and it facilitated cooperation (De Ruyscher, 2009, pp. 470–471, 478–479; Van Engen, 2005, pp. 74–76). The development of orphan chamber by-laws reflects this. For example, the 1614 by-law for the Alkmaar orphan chamber was subsequently adopted in Enkhuizen, Monnikendam, Graft, Purmerend, and later also in Den Briel (1644), Wormer (1661), Zype, and Hasepolder (1694) (Bergsma, 1855, pp. 7–8). In the preface of their orphan chamber by-law, the Assendelft rulers even said that they wrote their text after having read several others (Beels, 1768, p. 191). Consequently, clusters of very similar orphan chambers existed in Holland, deviating from the situation in England, Italy or the southern Low Countries, where orphan chambers appear to have remained much more individual, save in plague-hit Tuscany where demographic pressure was unparalleled. Orphan chamber regulations were also exported lock stock and barrel from Holland to Dutch colonies in the Americas and Asia (Van Zwieten, 1996; Gall, 1988; Gall, 1993; Buyskes, 1861; Weeskamer Batavia, 1924, pp. 8–9, Schnitzeler, 'Dutch money').

That brings us to the second – demographic – explanation of the growing numbers of orphan chambers in Holland: growing cities with high mortality and a continuous influx of migrants. Migration of mainly young men changed the cities' sex-ratios and as a result the age at first marriage came down which led to a rise in marriage fertility (Van der Woude, 1982, pp. 63–64). In combination with high mortality, this resulted in large numbers of young orphans, a problem urban authorities sought to address by creating orphan chambers. The parallel growth of the population, from the end of the sixteenth century until the third quarter of the seventeenth century, and increased activity in several Holland orphan chambers was witness to this development. For instance, between 1600 and 1670 the population of Rotterdam increased from 13,000 to 45,000 inhabitants, and in the same period guardianship registrations at the Rotterdam orphan chamber also tripled, from 100 to 300 registrations per year (Lourens & Lucassen, 1997; Van der Schoor, 1999, p. 229; Rotterdam city archives no. 16, call no's 577–579 and 580–582). [Figure 2](#) shows the same development of parallel growth of the Amsterdam population and the management of estates by its orphan chamber. As was the case in other cities, frequent second marriages were also a factor here; in seventeenth century Leiden, the bride had been married before in almost a quarter of the weddings (Schmidt, 2001b, p. 212). The demographic push behind orphan chamber growth manifested itself strongest in the overseas Dutch colonies with their high mortality, ethnically diverse population, and fragmented families. For example, within a few decades the orphan chamber of Batavia, present-day Jakarta, developed into an important financial institution that managed significant numbers of estates. The associated

assets provided a valuable source of credit for the city and the VOC. Assets rose to considerable heights especially because of the large numbers of inheritances without a clear rightful heir. Additionally, the Batavian orphan chamber, in cooperation with the network of orphan chambers in Holland, ensured that a significant flow of money originating from inheritances found its way to Holland by means of bills of exchange (Schnitzeler, forthcoming 2022b).

The specific impact of migration is best illustrated by looking at the development of Leiden. Following the fall of Antwerp in 1585 and the pressure of the Spanish army on other Flemish cities, Leiden and its textile industry experienced an enormous boost from an influx of Flemish migrants and their specialised knowledge. Between 1575 and 1625, the number of inhabitants of Leiden almost quintupled; Flemish migrants contributed considerably to this growth. By the end of the sixteenth century, three quarters of the brides and grooms originated from outside Leiden, mainly from Flanders, from places such as Bruges, Ypres, Lille, and Hondschoote (Lucassen & De Vries, 1996, p. 142). Flemings in Leiden were probably not surprised by the interference of the Leiden orphan chamber with their affairs since their hometowns had long since had orphan chambers (Maréchal, 1939, p. 35; Marchand, 1902, pp. 268–299, 469–496; Meijers, 1932 Vol. 2, p. 23; Boumans, 1965, pp. 148–150). In a letter to the city council the Leiden orphan masters wrote that the presence of Flemings and other strangers had complicated their work and increased their workload. They complained that ‘a fair number of guardians was incapable of speaking Dutch, or of counting in guilders’, and that it was sometimes impossible to reconstruct a decent account of the estate (Letter 23 September 1665, Leiden city archives orphan chamber call no. 79). Another vivid illustration of the presence of migrants in Leiden is that, in several books of the orphan chamber’s administration, the oath guardians had to take was not only written down in Dutch, but also in French. Additionally, the orphan masters sometimes struggled to determine the value of orphans’ properties, because these properties were situated not in the city but ‘in Flanders, Brabant or far away countries’ (Leiden city archives orphan chamber call no’s 13, 15, 674).

As we saw, Italian and English orphan chambers served primarily the rich, but in Holland orphan chambers had a broader clientele. Even so the ambition that emerges from early modern orphan chamber statutes in Holland, i.e. that the orphan chamber would provide a guardian for every orphan in the city, should not be taken literally (De Gou, 1943, pp. 163, for The Hague in 1513). We already saw that this welfare arrangement was aimed at financial care, and in practice the orphan chamber took care of the children of the middle classes who were lucky enough to inherit from their parents. An eighteenth-century text about the town of Amersfoort explains that the orphan chamber was designed to take care of under-aged orphans and half-orphans that had at least enough money to live and be raised on, outside of the orphanages or poor houses (Bemmel, 1760, p. 725). This is consistent with the picture of charitable institutions in the Republic painted by McCants; the most valuable and long-term welfare provisions were never meant for the poor. They aimed to prevent downward mobility of the middle classes and children were especially vulnerable in this respect (McCants, 1996, pp. 450–452). McCants uses the example of the orphanages of Amsterdam and Utrecht. Access was restricted to orphans whose parents had been burghers and this citizenship was sold by the cities to the middle classes. Orphan care in these institutions was ‘created by the ruling oligarchy

(*regentenoligarchie*) to mitigate the economic and demographic dangers that the urban middle classes faced' (McCants, 1996, p. 455). A large part of the population of early modern cities was without means and assets (Wijsenbeek, 2005, p. 78; Van Zanden, 1995, p. 646). Hence, there was no risk that family members would run away with an orphans' money, and no reason for the authorities to interfere.

An examination of the archive of the orphan chamber of Leiden enabled me to reconstruct the workload the orphan masters faced, and in doing so gain an understanding of the necessity to establish a dedicated institution. During its heyday, the Leiden orphan masters must have been quite busy. The workload of an orphan chamber was determined mainly by the number of orphans with an inheritance. At each death involving a minor, the orphan chamber had to make an inventory, determine the child's portion, and assign a guardian. If a half-orphan later lost his surviving parent, the same procedure would be repeated. Additionally, the orphan chamber not only took care of parental inheritances of under-aged children, but also of all other inheritances left to minors, for example, by grandparents, aunts, or uncles. The involvement of the orphan chamber ended with the coming of age of the youngest child of a family. If a deceased inhabitant had very young children, the orphan chamber's involvement could even last two decades.

The actual workload of the Leiden orphan chamber can be estimated if we combine Leiden data with data on mortality from Rotterdam and Delft. In average years of the seventeenth century, that is years without epidemics or famine, yearly mortality in Rotterdam was 40 to 45 per thousand inhabitants (Mentink & van der Woude, 1965, p. 54). About a third of the deceased in Delft left behind under-aged children, that is to say children under the age of 25, the legal age in seventeenth-century Holland (Wijsenbeek, 1987, p. 38; S. van Leeuwen, 1664, p. 48–49; the evolution of the Leiden legal age between 1406 and 1570 from 18 to 25 in; Hamaker, 1873, pp. 16–17, 175–178, 404). Combining these data gives us fifteen deceased per thousand who left behind one or more children under the age of 25. Around 1560 Leiden had approximately 12,500 inhabitants; applying the ratios leads to an estimated annual death of 185 parents with under-aged children. One century later, the city had grown to 55,000 inhabitants, and, thus, annually around 825 parents with one or more under-aged children died (Noordam, 2003, p. 44). The group without means is estimated to have been between 50 and 75% of the population (Wijsenbeek, 2005, p. 78; Van Zanden, 1995, p. 646). Therefore, of the 825 yearly cases in which parents left behind minors, the orphan chamber likely handled between 200 and 400 estates annually. Moreover, if a child lost first one and then also its other parent, the orphan chamber would be involved twice: in both cases, an inventory had to be made and the child's portion determined. This means that at any given moment, the Leiden orphan chamber oversaw a few thousand inheritances. This workload made it necessary to establish a dedicated institution.

The figures for Leiden, Rotterdam, and Gouda confirm that orphan chambers did not take care of all custody cases that occurred. Figure 1 shows the registration of guardianship for Leiden, Rotterdam, and Gouda, expressed in cases per thousand inhabitants. If all custody cases from the calculation above had been handled by the orphan chamber, the ratio would have to be about fifteen custody cases yearly per thousand inhabitants. However, Figure 1 also shows that, for all three cities, the ratio varied between 0.5 and

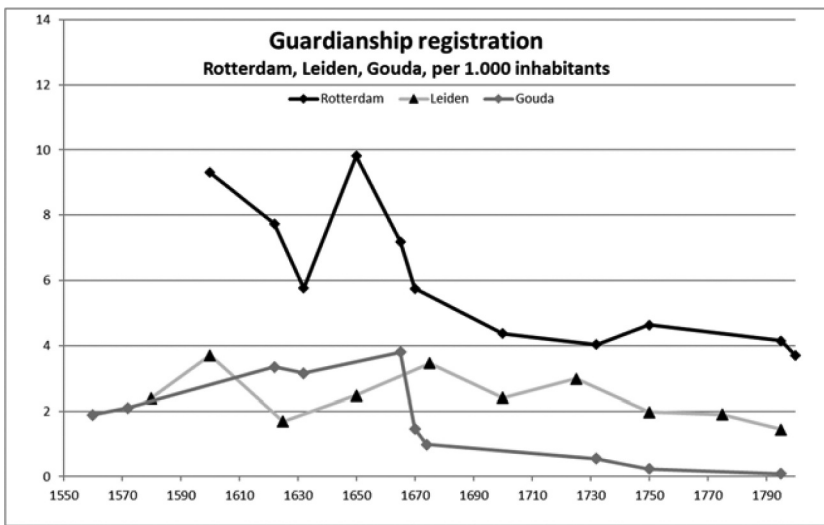


Figure 1. The registration of guardianship for Rotterdam, Leiden, and Gouda, per thousand inhabitants.¹

ten cases yearly, per thousand inhabitants. In the latter part of the eighteenth century cases per thousand inhabitants show a markable decline, a point to which we will return in [Section 5](#) when we look at the decline of Holland orphan chambers.

Dedicated orphan chambers were truly an urban welfare arrangement and their activities were closely connected to the size of the population and to mortality numbers. Villages did not experience the demographic stress that the cities faced. Orphan chambers only existed in villages because they had become a standard government component. In villages the legal foundations of an orphan chamber were used by the bailiff and aldermen to apply the same legal framework. When necessary, bailiff and aldermen would sit as orphan masters (Regional Archive Goeree Overflakkee orphan chamber Ouddorp call no. 122). The case of the orphan chamber in the new village Beemster, about 25 kilometres north of Amsterdam, is a prime example. An orphan chamber was established in Beemster within fifteen years after the Beemster polder had been drained in 1612 (Westfries Archief orphan chamber Beemster call no. 4081). However, the orphan books of the Beemster over the following century show three cases a year on average (Westfries Archief orphan chamber Beemster call no's 4081, 4082), a number clearly indicating that the establishment of a separate institution was not necessary. The Beemster case also illustrates that in villages there was no basis for the development of financial services, for that orphan chambers needed scale as we will see further on.

4. The financial management by Holland orphan chambers

During the seventeenth century, expanding regulations are an illustration of the development of urban orphan chambers, not in the least their development of financial management. Statutes became much longer, with more rules and procedures, and more elaborate descriptions of staff responsibilities. In 1475, the functioning of the

orphan chamber of Leiden was based on four articles in the statutes of the city (Hamaker, 1873, pp. 175–178). By 1658, the orphan chamber statute contained no fewer than 72 articles, describing the workings of the orphan chamber in some detail. The process started with the obligation to report every death involving minors to the orphan masters, who would then appoint a guardian, and ensure that an inventory was made in order to establish the child's portion. Detailed rules described the mandatory nature of guardianship, who could be a guardian, when guardianship ended, and who could become an orphan master and for how long.

The development of financial regulations is most significant in this respect. For example, the Leiden regulation of 1658 shows that rules concerning financial aspects amount to over a third of the total. The rules specified the financial responsibilities of the orphan masters, their staff, and the guardian, how an inventory needed to be made and verified, and how an estate should be liquidated. Orphan masters and staff were instructed to abstain from financial involvement in orphan estates in order to prevent conflicts of interest. Further, the regulations elaborated on what could or could not be done with the orphans' assets and under which conditions sale was allowed. Regulations stipulated that cash should be managed in the most beneficial way, that the guardian would be fined if money stayed without a return for longer than a month, and that preferably money would be put on so-called orphan chamber loans (*weesrenten*), to which we will turn further on. The regulations paid special attention to the continuity of small businesses: small business owners could choose to keep their inheritance undivided. In that case an estimate of the deceased's inventory was deemed sufficient. Based on that inventory, the parent would have to pay the child a buy-out sum (Article 25, Keuren der stad Leyden, Francoys Hackes en Pieter Leffen, 1658, Leiden City Archives SA II (0501A) call no's 12–13). The surviving parent was, thus, allowed to keep using the combined capital which eased the continuity of the business. This was also considered to be in the best interest of the children (De Gou, 1943, p. 68).

Orphan chambers in cities, thus, continuously tried to provide financial security for the orphans under their supervision. Depending on the size of the estate, orphan chambers also provided more or less elaborate forms of financial management. In the case of small estates (the majority of cases) the involvement of the orphan chamber was limited. In those cases, the parent pledged an amount of money to be paid at legal age (*bewijs doen*). To secure the money, the parent had to provide a guaranty, generally the title deed of a house which would be kept under lock at the orphan chamber. The orphan chamber would only be involved at the start of guardianship when the parent pledged for the child's portion, and the end of guardianship when former pupils collected their belongings from the orphan chamber (Schmidt, 2001b, p. 101).

More extensive financial involvement was, however, limited to a much smaller number of orphans. In those cases, the orphan chamber took over the administration, and managed the estate on behalf of the guardians. Several orphan chamber archives of orphan chambers contain evidence of this practice; in Leiden and Gouda orphan chamber secretaries took on the role of guardian and/or administrator (Regional Archive Midden-Holland orphan chamber Gouda call no's 15, 15a, 63; Leiden City Archives orphan chamber call no. 220). However, Amsterdam was the only orphan chamber for which it was possible to measure the occurrence of active estate management. Amsterdam guardianship registration only recorded orphans with assets, whose parents had not

excluded the orphan chamber in their wills by means of a clause of exclusion (to which we turn further on), and who had not simply pledged a certain amount of money to their children (*bewijs doen*). In other words: the cases in which the orphan chamber took on an active role in the management of estates. Per year, between 50 and 150 new cases were managed intensively, or in other words, no more than 0.2 to 0.7 cases, per thousand inhabitants, per year. The graph of Amsterdam (Figure 2) shows a rise in active involvement until 1680 after which decline set in.

The core objective of every orphan chamber was to keep the orphans' money safe so that when children reached legal age, their portion would still be intact. At the same time, orphan chambers also had an obligation to generate a return on these inheritances. In Holland, generating a return was in the first place achieved by relying on the assets available in the inheritance. Especially house and land were considered safe investments, and were rarely sold, and the same was true for bonds. The orphan chamber would ensure that these assets were kept safe, and managed them if necessary. In the second place, any money that came from the estate – cash from the estate or from sales – would have to be placed safely and generate a return. Throughout their existence, orphan chambers struggled to balance the two assignments of simultaneously keeping the money safe and also generating a yield. Cities, as well as the Estates of Holland, were concerned with the question of how guardians should invest their pupils' money and generate a return.

The oldest form of generating a return was the orphan chamber loan. Similar instruments were used in the southern Low Countries, England, and Italy. Generally, orphan money was lent at a fixed interest to city inhabitants, for a long period, often until legal age (Maréchal, 1939, p. 7,11–12; Carlton, 1974a, p. 90–101; Fisher, 2003, pp. 44, 48,50–52). The earliest mentions in the northern Low Countries are from Zierikzee in 1429, and Middelburg in 1477 (Bezemer & De Blécourt, 1908, p. 125; Unger, 1923, p. 53). In the northern Low Countries, the orphan chamber loan was a standard credit instrument, designed to provide a secure income for orphans. Under non-negotiable fixed conditions, anyone in the city who could provide a collateral, in the form of real estate or two guarantors, could borrow money on an orphan chamber loan. In theory this seemed ideal: the orphan chamber had instantly available cash in its coffers, and demand for

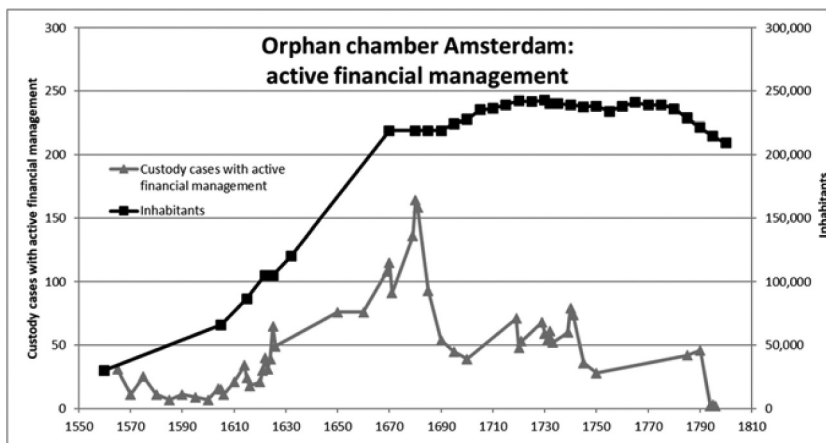


Figure 2. The development of estate management in the orphan chamber of Amsterdam.²

credit was high in a booming economy. However, in practice the strict conditions limited demand for orphan chamber loans and, as a result, demand was often too low to meet supply. Some cities changed the terms for taking out orphan chamber loans in order to increase demand. The Amsterdam orphan masters complained more than once that orphan money was laying idle in the orphan chambers chest, and that people were finding credit on better – i.e. easier – conditions elsewhere in the city. In 1619, in reaction to these recurrent complaints, the city of Amsterdam abolished the obligation of providing guarantors. From then on, orphan chamber loans in Amsterdam were taken out on a general mortgage only; a formal claim on a person plus all their present and future possessions in the form of real estate or other goods, thus easing the threshold for a loan (De Roever, 1878, p. 56–58; Van Bochove & Kole, 2014, p. 53–54; Gelderblom et al., 2018, p. 166; Schnitzeler, forthcoming 2022a).

It is against this backdrop that cities and the Estates of Holland repeatedly drew attention to the danger that orphan money would not be an attractive source of credit, and would remain at the orphan chamber without generating an interest. Several times cities and the Estates of Holland eased the regulations by allowing other investments, as the orphan chamber was trying to compete on a developing financial market in Holland. In 1592, the Estates of Holland allowed the purchase not only of hometown debt but also of other urban debt thereby broadening the investment possibilities. By 1608, the Estates of Holland allowed cities to buy life annuities or redeemable annuities for orphans; in 1671 they granted guardians the possibility of investing in annuities, and by 1678 even in short-term treasury bills issued to cover army payments (*ordonnantien van soldij*) (National Archives The Hague, 3.01.04.01 call no. 26; De Gou, 1943, p. 81). Some orphan chambers, such as Gouda and Amsterdam, invested in their own city debt, similar to what happened in England, Italy, and the southern Low Countries (Regional Archive Midden-Holland, orphan chamber Gouda, call no's 15, 15a; De Roever, 1878, p. 56; Regional Archive Schouwen-Duiveland, orphan chamber Zierikzee, call no. 54). However, unlike the southern Low Countries in the late medieval period, an obligation to deposit the money in the city's chest never existed in the northern Low Countries.

Next, we will consider the benefit of scale cities provided which allowed orphan chambers to create new financial solutions. For example, for a long time orphan chambers had struggled to manage small inheritances well. Small estates could not be invested individually, and the money of these orphans had often remained in the orphan chamber's chest without generating a return. However, from the first quarter of the seventeenth century, several orphan chambers found solutions to this problem. Schalk (2010, p. 58) shows that, from the 1630s, orphan masters successfully tried to combine small sums into larger orphan chamber loans. They combined these so-called small capitals in order to invest them collectively, generally in Holland bonds. The orphan masters of Leiden started pooling resources in 1627. Other cities followed suit. Amsterdam did so several decades later and for other reasons than Leiden. After a fire in the city hall, the orphan chamber's administration was in disarray and as a result some money could no longer be traced back to its rightful owners. The orphan masters decided to establish a fund called 'Adam the Orphan' with this money (De Roever, 1878, pp. 85–86). The Leiden orphan masters used Holland bonds to create a fund on behalf of orphans owning too little to invest on their own. This system of buying an investment and attributing the parts to various orphans required a different form of financial management. The so-called

'register of small parts' shows how parts of bonds worth less than 100 guilders were registered in an orphan's name, and subsequently transported countless times from one orphan to the next. From 1671 the threshold was raised to 600 guilders (Leiden City Archives call no's 530, 531, 532). In order to keep the bonds intact, the orphan masters juggled to remain liquid by using cash from incoming estates – a daily event – to pay out orphans who reached legal age. However, by 1710 the orphan masters ran into liquidity problems and asked the court permission to sell a bond. They explained that due to 'the impoverished state of the city' the orphan chamber received almost no new estates, and had therefore too little cash (Leiden City Archives orphan chamber call no. 84, memo 1710). Under these changing circumstances, the orphan chamber lacked the financial scale necessary for its functioning and decline set in.

5. Decline of orphan chambers in Holland

By 1670 the heyday of the Holland orphan chamber was over. In Leiden, Rotterdam, and Gouda the number of custody cases per thousand inhabitants declined (Figure 1) and in Amsterdam the number of cases of active estate management decreased (Figure 2). In 1700, the Gouda orphan masters dealt with only six new cases, kept themselves busy with needless administrative details, and stuck to their twice-weekly meetings sometimes without anybody showing up (Regional Archive Midden-Holland orphan chamber Gouda call no's 10, 41).

Why did a welfare arrangement that had fulfilled a clear need and had developed into a well-functioning organisation experience such a downturn? The existing literature on orphan chambers offers leads, but an overarching analysis is missing. The majority of scholars researching Dutch orphan chambers have used a legal framework. Thus, to explain the decline of these chambers, they predominantly looked at legal developments, such as the rise of exclusions and the transition to a French inspired legal regime after 1795, which from a legal rationale had to lead to the dissolution of orphan chambers. Additionally, authors on both Holland and other regions point to two groups of causes, without further developing them. On the one hand, they observe organisational problems within the orphan chambers such as the neglect of the interests of orphans, fraud, and the dismal effect on the chamber of the city's financial problems. On the other hand, they notice conflicts between the chamber and families: too much interference with family business, high management costs, the families' desire to be able to use their assets more actively, or more general changed preferences (De Gou, 1943, pp. 101–102; Carlton, 1974a, p. 102–106; Fisher, 2003, pp. 153–154, 171). When we combine these possible explanations for the decline of the orphan chambers with the developments we identified above, it becomes possible to develop a more complete analysis. By the end of the seventeenth century, the target group of the Holland orphan chamber had decreased significantly, while at the same time part of the remaining target group preferred other options and used legal means to evade the involvement of the orphan chamber. We will now analyse these factors in more detail.

By the end of the seventeenth century, the scale of the problem for which the orphan chamber was the answer, had changed considerably. Large-scale migration had come to an end, and the migrants of the previous decennia were now thoroughly integrated in the city. Hence, more family networks were better equipped to organise the care of orphans

(De Vries, 1985, p. 666; Van Lottum, 2007, pp.38–39, 63). In the final decade of the seventeenth century, only ten percent of brides or grooms in Leiden originated from outside the Republic in contrast with a century earlier. In Amsterdam a similar development took place (B. de Vries et al., 2003, p. 95; Kuijpers, 2005, p. 378). In a letter the Leiden orphan masters described why business at the orphan chamber had slowed down. In 1734, the orphan masters remarked that ‘times have changed: prosecution has stopped, there are now fewer refugees and those who lacked blood relations in this country have a family now so have obtained blood relations’ (Leiden City Archives orphan chamber call no. 85, petition). A declining number of orphans also contributed to a diminishing workload. Around 1650 the birth rate took a downward turn, the average age of women at first marriage rose, and family sizes decreased in the latter part of the seventeenth century (Van der Woude, 1982, p. 64–70; De Vries, 1985, p. 664, 666; De Moor & van Zanden, 2010, p. 17).

The case of the Batavian orphan chamber allows us to confirm the explanatory power of these demographical factors. In contrast to Leiden, the workload of the Batavian orphan chamber did not decline but remained high in the eighteenth century and even into the nineteenth century. In Batavia mortality and migration continued to be very high, resulting in a high and unabating demand for the management of estates of orphans and absentee heirs (Schnitzeler, forthcoming 2022b).

Apart from demographic dynamics, financial considerations greatly influenced the orphan chamber business. Families were no longer satisfied with the arrangement offered (Kretzschmar, 2015, p. 3; Oldewelt, 1942, p. 126). Orphan chambers chose safety over returns; the orphan chamber loan, the standard financial arrangement, is a case in point. Orphan chambers were limited in their investment choices by orphan chamber law (De Groot & Fockema Andreae, 1910, p. 20; De Gou, 1943, p. 77). When demand for orphan chamber loans became too low to match supply, most orphan chambers chose public debt, mostly Holland debt. If families preferred alternative investments such as setting up a business, buying ship parts, investing in stock of the Dutch East India Company, or even creating an inheritance under a *fidei-commissum*, they needed to avoid the orphan chamber. Additionally, both orphan chamber loans and Holland debt suffered from declining interest rates. Since handling costs on orphan chamber loans, and for that matter all other services provided by the orphan chamber, were largely levied not pro rata but at a flat rate per transaction, yields suffered, especially on small capitals. A fixed sum of 1.5 guilders had to be paid for the registration of an orphan chamber loan, 5% over the interest earnings, and 1.5 penny per guilder, or 0.47%, at redemption (Leiden City Archives orphan chamber call no’s 196 and 198, instructions for secretaries 1659 and 1776). Other costs included costs for the settlement and management of the estate, such as drawing up an inventory, yearly accounts, and a final account at legal age. Taking these costs into account, in 1600 an orphan chamber loan at 6.25% would have a net yield of about 5.8%, whereas in 1700 orphan chamber loans at 4.2% yielded net about 3.85%. In 1600, Holland debt stood at 8.33%, with an estimated net yield of about 7.8%, and by 1700 Holland debt stood at 3%, with net yield estimated at 2.7% (Schnitzeler, forthcoming 2022a; Gelderblom et al., 2018, pp. 186, Leiden City Archives orphan chamber call no’s 196, 198).

Families also had another important reason to seek alternative financial solutions, which was the desire to allow the surviving partner the continued use of the household's assets. The implications of this changed preference were at odds with the objective of the orphan chamber. The essence of the orphan chamber's involvement was to ensure that the child's portion was separated from the assets of the surviving parent. The chamber supervised, kept, and managed the child's portion, and in doing so, safeguarded the portion from possible squandering by the surviving parent. The orphan chamber, thus, acted in the interests of the family line rather than the nuclear family. By the second half of the seventeenth century, however, preferences had shifted in favour of the nuclear family. By then, the majority of couples chose to leave the child's portion in the hands of the surviving partner (Narrett, 1992, p. 65; Schmidt, 2001b, pp. 95-96, 102; Schmidt, 2001a). The surviving partner would then be able to use the child's portion, for example, as capital in the business the couple had had together. Again, this was only possible if the orphan chamber was sidestepped. We will see further on how families accomplished the latter (De Roever, 1878, p. 99; Van den Heuvel, 2007, pp. 238-240, 252, 325).

Finally, by the end of the seventeenth century, the boom period of the economy in Holland had ended and a period of relative stagnation followed. Leiden, which traditionally had a one-sided economy, was hit hard when its textile industry met with severe competition. As a result, the middle classes saw their income diminished and their children saw their inheritances reduced (Van Zanden & Van Riel, 2000, p. 31-32; Nagtegaal, 1989, p. 98, 105, 138-139; B. de Vries et al., 2003, p. 92; Hoffman et al., 2007, pp. 64-66, 87-88). The development of the Leiden orphan chamber illustrates the consequences of this changed economic situation. From 1620, the orphan masters registered whether or not an inheritance was accepted by the beneficiaries. If an estate contained more debts than assets, heirs had the option to refuse the inheritance. Initially, practically all inheritances were accepted; however, around 1650 a turning point was reached. In that year, 65% of inheritances were accepted, in 1660 just above 50%, and by 1690 only 25% of inheritances were accepted. In 1730, no more than 5% of the inheritances was accepted by heirs (Leiden City Archives orphan chamber call no's 13, 15, 241-260). This is evidence of a growing number of estates with more debts than assets and a clear indication that the Leiden economic situation had changed drastically. In all these cases, the involvement of the orphan chamber was once-only; the orphan masters established there was no money and appointed the guardians. No supervision of the guardianship was exercised afterwards.

When explaining the causes of the decline and end of orphan chambers, some authors point to the phenomenon of exclusions (*seclusie*) (De Roever, 1878, p. 35-36; De Gou, 1943, pp. 100-104). If a clause of exclusion was added in a last will and testament, the orphan chamber role changed fundamentally. The chamber would appoint the guardians named in the last will and testament, but was excluded from further interference with the settlement of the estate. The family was once again first in line to decide on matters of guardianship, with the court in the background in a supervisory role, a role that could never be eliminated (De Groot & Fockema Andreae, 1910, p. 18). Thus, in essence exclusions changed the legal framework of orphan chambers back from mandatory to directive (De Gou, 1943, p. 97). This was an important development which undermined the base and scale of orphan chambers: the welfare arrangement could only function if the level of participation was high.

How important were these exclusions? The administration of the Gouda orphan chamber shows that, by 1700, exclusions dominated their business. Out of 40 testators, 34 had exclusions in their wills, and only six left the orphan chamber in charge of the inheritance of their minor children. In Leiden, Rotterdam, and Gouda, registrations of exclusions started after 1650, in Dordrecht in 1630. In Leiden, Gouda, and Rotterdam, exclusions had risen to two to three per thousand inhabitants per year by 1700, in Dordrecht to seven (Leiden City Archives orphan chamber call no's462–509; Dordrecht Regional Archive orphan chamber Dordrecht call no's17–39; Regional Archive Midden-Holland Gouda orphan chamber call no's28–34; Rotterdam City Archives orphan chamber call no's344–363). At the time, cities blamed notaries for the growing number of exclusions. Notaries were said to include the exclusion clause in every last will and testament, without explicitly mentioning this to their clients, in time allowing them to settle their client's estate. Cities forbade this practice, but to no avail as the numerous repetitions of these regulations show (De Roever, 1878, p. 35–36; De Gou, 1943, pp. 100–102). Cities in Zeeland even tried to halt this development by imposing financial barriers; in Middelburg and Vlissingen exclusions could only be registered against the significant cost of 100 to 160 guilders (Van der Veen, n.d., p. 16). Some authors suggest that exclusions were a response to growing numbers of cases of fraud and mismanagement (De Roever, 1878, p. 83). De Gou rightly dismisses this possibility for the Hague, as does Kretzschmar for Amsterdam. The first Amsterdam fraud case dates from 1732; much too late to explain a development that started in the second part of the seventeenth century (De Gou, 1943, p. 101; Kretzschmar, 2015, p. 3). My research in the archives of Holland orphan chambers confirms this picture. I identified only a handful of cases of mismanagement in archives often spanning 250 years, and all of them date from the late seventeenth century, or eighteenth century. It is far more fruitful to regard exclusions as a sign of growing dissatisfaction with the services provided by the orphan chamber, than as an actual cause of decline. Exclusions provided inhabitants with the means to escape from the legal framework of the orphan chamber and be free in the choice of their financial arrangements.

In summary, by 1700 orphan chambers no longer met the original needs for which they had been set up, because fewer orphans needed government care. Thus, the target group had diminished, because there were fewer orphans, and, moreover, fewer orphans with an inheritance. Once again families took care of their own business, just as they had done before orphan chambers were established. The orphan chamber had outlived itself and only continued to exist because of institutional inertia. The dismantling of the orphan chambers started in the French period, and would take several decennia to complete, but the transition back to a system with the family in charge and the government in the background, had started long before (Smit, 1946, p. 61–83, 1934, 1935).

6. Conclusion

Because the existing literature has mainly chosen a legal approach, it can only partially explain the rise, decline, and end of orphan chambers. However, by choosing a broader, European perspective, we have been able to analyse the demographic as well as the urban character of orphan chambers and, thus, construct a more complete explanatory framework. The Holland orphan chamber shows both the transfer and the further legal

development of feudal based urban rights, taking place under pressure from urban growth and migration. A new, more elaborate, but also mandatory welfare arrangement emerged in Holland as well as in other European regions. With this arrangement, cities tried to fill the void left by families by taking care of orphans' money and keeping an oversight over their guardianship. For orphans and their family, the orphan chamber provided security that the inheritance would be well managed and transferred safely. In doing so, the orphan chamber was ensuring the livelihood of children both in the short and the long term. Generating a yield on inheritances paid for children's upkeep when they were young. Coming into their inheritance at the legal age of 25 gave them a good start in life. Additionally, the family interest was served because the orphan chamber made sure family assets would be safely transferred to the next generation.

In its heyday, orphan chambers were adept at providing and developing financial services which suited the needs of their clientele. If the need arose, orphan chambers could completely take over the management of an estate, with everything that came with it from paying bills to maintaining real estate. Another service was provided to cater for the needs of children of smaller means; the orphans' capitals were combined in order to invest them collectively. Nevertheless, the orphan chamber's financial services never really took off. Their investment strategies were mainly passive, the strict rules for credit, and the alternatives available elsewhere restricted the growth of capital flows through the Holland orphan chambers. In Batavia, where fewer alternatives were available, the development went in the opposite direction and the Batavian orphan chamber saw considerable amounts of money pass through its coffers.

By the end of the seventeenth century, Holland had entered demographically smoother waters and the orphan chamber's clientele had diminished. There were fewer orphans, of those fewer inherited, and more children had family who could stand up for them. When part of the target group also rejected the financial solution offered by the orphan chamber, the institution ran into trouble; in order to be able to function as a financial institution, scale was a prerequisite. Orphan chambers were left with fewer, and less prosperous orphans. These were often orphans whose parents had not made a last will and testament, and who did not have the possibility, or the financial literacy, to choose other options than the orphan chamber. The cost structure of the orphan chamber, with its fixed rates per act, influenced the net yield of small inheritances more than the yield of larger inheritances. On the upside, children with small inheritances had few alternatives and for them the orphan chamber continued to fulfil its core mission. It offered some return on the orphans' money and insured that their inheritances were kept safe.

At the same time, we should be aware that on a higher abstraction level a more consequential change had occurred: the end of the era of orphan chamber also meant the end of an exceptional situation in which the government interfered with mandatory law in family affairs and provided financial services. Relations between family and government returned to a situation with the family in charge of family affairs and government in a directory role, abstaining from direct financial management.

Notes

1. Leiden City Archives orphan chamber call no's 241–260; Regional Archive Midden Holland orphan chamber Gouda call no's 1–14; Rotterdam City Archives orphan chamber call no's-577–579,580–582.
2. Amsterdam City Archives orphan chamber no. 5073, call no's513–523; (Lourens & Lucassen, 1997; Hart, 1976, p. 118; Van Leeuwen & Oeppen, 1993, p. 87).

Abbreviations

Archief Delft (AD)
Erfgoed Leiden en omstreken (ELO)
Gemeentearchief Schouwen-Duiveland (GSD)
Het Utrechts Archief (HUA)
Nationaal Archief (NA)
Regionaal archief Alkmaar (RAA)
Regionaal archief Dordrecht (RAD)
Regionaal archief Zutphen (RAZ)
Stadsarchief Amsterdam (SAA)
Stadsarchief Breda (SAB)
Stadsarchief Rotterdam (SAR)
Streekarchief Goeree Overflakkee (SAGO)
Streekarchief Midden-Holland (SAMH)
Waterlands Archief (WA)
Westfries Archief (WFA)

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