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Series Introduction

The *Primary Sources in U.S. History* series is designed to encourage a sense of connection to the past, an appreciation of different perspectives and cultures, and further investigation of the people who made history in the United States. Students take part in the analysis and interpretation of various types of documents, applying critical thinking skills to discover more about the major political, social, and economic movements in American history. They become active investigators who must defend, alter, or abandon their positions when confronted with new information. They are challenged to make sense of history using the raw materials of the discipline.

These lessons complement the material in The Center for Learning's other U.S. history units; all may be used creatively in conjunction with any textbook or course of study to enrich and deepen the study of American history.

The *Primary Sources in U.S. History* series is organized chronologically and thematically. Each of the units covers a major epoch in American history. See the Center for Learning Web site (www.centerforlearning.org) for a complete list of titles.

Each unit contains one lesson on each of the following topics:

- Business and Labor
- Culture
- Everyday Life
- Immigration
- Larger World/Diplomacy
- Law and Society
- Minority Experience
- Politics
- Religion
- Women

Goals and Assumptions

1. History is an evolutionary process. To appreciate the present and look to the future, students need to examine that process and investigate how and why changes occur.
2. History is comprised of recurring themes. To understand the place these themes have in the present, students must analyze them and draw conclusions about them.
3. Understanding American society requires students to recognize the interrelationship of political, social, and cultural issues.
4. Students need certain skills (reading, writing, questioning, speaking, and thinking), so instruction and practice in these areas must be provided.

Objectives

1. To provide students with a knowledge base in American history
2. To enable students to read and digest factual information independently, in small groups, and in large group settings, in order to employ higher-level thinking skills
3. To develop the necessary skills in students that enable them to think clearly and communicate their ideas to others
4. To make students aware of commonalities and differences in the American community that have developed over time
5. To guide students in analyzing and assessing the point of view of historical actors
6. To help students understand and think critically about crucial issues and people in American history
7. To give students more experience with questioning sources, evaluating competing interpretations of facts, comparing and contrasting perspectives, understanding causation, and making reasonable arguments based upon evidence

Themes

1. Humans shape their behavior in response to universal human needs and values.
2. Conflict unresolved by compromise and change may lead to violence.
3. Cultures are constantly undergoing change.
4. Human behavior reflects adaptation to and modification of physical and human environments.
5. Individuals tend to interpret the past, present, and future in terms of their own values and points of view.
6. Specialization increases interdependence.
7. A democratic society encourages but does not insure equality.
8. Power can be used to achieve both constructive and destructive ends.
9. Through government and other institutions, humans modify and regulate their organizations to achieve goals of justice, stability, freedom, and growth.
10. Change is constant.

Concepts

1. Conflict
2. Commitment
3. Frame of reference
4. Opportunity
5. Freedom
6. Family
7. Causation
8. Evolution
9. Revolution
10. Historical interpretation
11. Equality
12. Government
13. Rights
14. Stability
15. Justice
16. Democracy
17. Participation
18. Nationalism
19. Dependence
20. Independence
21. Interdependence
22. Specialization
23. Behavior
24. Sectionalism
25. Work ethic
26. Leadership
27. Change
28. Reform
29. Culture
30. Industrialism
31. Urbanization
32. Cooperation
33. Environment
34. Decision making
35. Values
36. Expectations
37. Market economy
38. Wants and needs
39. Resources
40. Communication

Skills

1. Interpret what is read by drawing inferences.
2. Detect cause-and-effect relationships.
3. Assume the perspective of the other person.
4. Decode maps.
5. Read for a variety of purposes.
6. Interpret various forms of printed and visual materials.
7. Draw logical conclusions.
8. Evaluate sources of information.
9. Prepare summaries, position papers, and other written materials.
10. Identify bias in printed and visual materials.
11. Group data in categories according to appropriate criteria.
12. State relationships between categories of information.
13. Recognize the values implicit in issues and the possible courses of action that flow around them.
14. Predict likely outcomes based on factual information.
15. Identify instances in which more than one interpretation of factual materials is valid.
16. Extract significant ideas from supporting, illustrative details.
17. Restate major ideas of a complex topic in concise form.
18. Form opinions based on critical examination of relevant information.
19. Communicate effectively both orally and in writing.
20. Listen carefully for information.

Lesson 1—Business and Labor

Contracts in Mid-Nineteenth-Century Business

Objectives

- To examine a mid-nineteenth-century business contract
- To understand the structure of a simple business contract

Notes to the Teacher

Beginning in the 1850s, American industry began to expand beyond the textile mills of New England, and a new method of transportation was needed to meet the increased demand for a cheap and efficient way to ship raw materials and finished goods. Railroads met that need. By the start of the Civil War in 1860, tracks crisscrossed the eastern half of the United States, and collateral industries to support the railroads began to develop. Industries such as the manufacture of iron rails, locomotive boilers and engines, and switching equipment began to flourish. The Cuyahoga Steam Furnace Company, in Cleveland, Ohio, was originally founded to provide steam boilers for ships on the Great Lakes. It was the first true manufacturing plant to be founded in Cleveland, and was the first to use steam power instead of horse power in the manufacturing process. By 1836 the company was producing 500 tons of castings and wrought iron a year and employed 70 workers. Producing land and blast furnace engines, boilers, mill gearing, hydraulic presses, and railroad construction equipment and locomotives, the company continued to produce marine furnaces and boilers, screw propellers, and cannon under contract with the United States government. In 1849 the company produced the first locomotive constructed west of the Allegheny Mountains. The Company contracted with numerous railroads between the Appalachian Mountains and the Mississippi to build both railroad construction equipment and railroad locomotive engines.

In this lesson, students examine and analyze a written contract between the Cuyahoga Steam Furnace Company and the Cleveland, Painsville, and Ashtabula Railroad Company. To conclude the lesson, students identify the standard elements of a contract in the contract between Cuyahoga Steam Furnace and the railroad company.

Reminder to Teachers

- Decide if the appropriate primary sources analysis worksheets from the appendix will be used in this lesson.
- Assign those sections of the basal textbook that are relevant to this lesson.

Procedure

1. Using Notes to the Teacher as a guide, discuss the rise of new businesses in America in the period immediately prior to the Civil War.
2. Ask students if they or their parents have ever signed a contract. Ask students to give some examples of why a contract might be made (*to purchase an item; to have repair work completed; to perform a specific job within a specific period of time*). Distribute **Handouts 1** and **23**. Instruct students to read **Handout 1** and use **Handout 23** to analyze the document. Discuss the document with students. If necessary, use the Teacher Resource Page for the text of **Handout 1** set in modern type.

Suggested Responses, Handout 23:

1. *memorandum of agreement*
2. *handwritten*
3. *August 1856*
4. *Cuyahoga Steam Furnace Company*
5. *written as agreement between Cuyahoga Steam Furnace Company and the Cleveland, Painsville, and Ashtabula Railroad Company*

6. a.
 1. *what the Cuyahoga Steam Furnace Company agreed to do*
 2. *the specifications of the equipment to be produced*
 3. *what the Cleveland, Painesville, and Ashtabula Railroad agreed to pay to the Cuyahoga Steam Furnace Company*
- b. *written as a contract to produce railroad construction equipment and a locomotive*
- c. *“That the said Cuyahoga Steam Furnace Co for and in consideration of the payments to be made them by the said second party at the time and in the manner as hereinafter specified, agree to construct of good material and workmanship, an Engine Boilers Lathe &c &c as follows to wit—”*
- d.
 1. *Locomotive engines were expensive and important pieces of manufactured goods.*
 2. *Even in the mid-nineteenth century, contracts were important legal documents.*
- e. *When was the equipment to be completed? No date of completion is given in the document.*

3. To conclude the lesson, distribute **Handout 2**. Allow time after the handout has been completed for students to discuss their responses.

Suggested Responses:

Offer—to build a vertical high pressure engine for the Cleveland, Painesville, and Ashtabula Railroad Company, two steam boilers, and one lathe; offered by Geo. Teibout of the Cuyahoga Steam Furnace Company.

Acceptance—by A. Congden of the Cleveland, Painesville, and Ashtabula Railroad Company

Valid consideration—the delivery of the engine and lathes and the payment of \$1,750, 9½¢ a pound for 2 steam boilers, 12½¢ a pound for wrought iron steam down and sheet iron Britches, and \$2,250 for the lathe

Legal purpose—to build legal equipment

Competent Party—two legal companies

Extension Activities

1. Have selected students research local businesses during the mid-nineteenth century. Oftentimes, businesses maintain files of old records or sometimes donate them to the local historical society. Sometimes mid-nineteenth-century contracts were printed as legal notices in newspapers. Have students make a presentation on the growth and development of local businesses during the mid-nineteenth century.
2. Have students research the development of contract law. Contact a local law firm that specializes in contract law. Try to arrange a classroom presentation by a contract lawyer on the development of contract law.

Building a Railroad: A Business Contract

Cleveland Painsville & Ashtabula RR

This memorandum of agreement made this sixteenth day of August 1856 by and between the Cuy^aSteam Furnace Co of the City of Cleveland of the first part and the Cleveland Painsville & Ashtabula Rail Road Company by their agent Albert Congden Master Mechanic of the second part—Witnesseth—

That the said Cuy^aSteam Furnace Co for and in consideration of the payments to be made them by the said second party at the time and in the manner as hereinafter specified, agree to construct of good material and workmanship, an Engine Boilers Lathe &c &c as follows to wit—

One Vertical high pressure Engine with cylinder (16) Sixteen inches diameter & (24) twenty four inches stroke in all respects similar to the one furnished for the Toledo & Norwalk Rail Road Company with Fire fronts, grates, &c common length of Steam and feed pipes & Engine Shaft, fly Wheel, copper flue Heater, Govenor, Blow off cock &c for the sum of Seventeen Hundred & Fifty dollars (It is agreed to substitute a wrought iron crank shaft in the place of the straight wrought iron shaft usualy furnished, the difference in cost of material & labor on same to be added to the cost of the Engines as above stated)

Also Two Steam Boilers of 1/4 in iron twenty four feet long forty two inches diameter with two flues at nine & one half cents pr pound wrought iron Steam drum and Sheet iron Britches for same Twelve & one half cents pr pound.

One Large Lathe for turning drivers with simitar arrangements to the one now in use in the Locomotive Shop of said Company, for the sum of Twenty Two hundred & fifty dollars.

It is further agreed by the said first party to deliver the foregoing work on cars (to be frunished by said second party at the Locomotive Works of said Company) and to furnish a compentent Engineer to set up Engines & Boilers & put the same in successful operation, the said second party to furnish all the necessary labor woodwork & masonry &c for same

In consideration of the foregoing the said second party hereby agrees to pay to the said first party the aforesaid several sums of money for Engine Boilers Machinery &c &c on completion and delivery of same

In witness whereof the parties hereunto have set their hand this day as aforesaid

Cuy^aSteam Furnace Co
pr Geo Teibout
C. P & A R R Co
pr A. Congden¹

¹Cuyahoga Steam Furnace Co., Agreement between Cuyahoga Steam Furnace Co. and the Cleveland, Painsville, and Ashtabula R.R., 1856, MSS 2525 in the collection of the Western Reserve Historical Society.

Building a Railroad: A Business Contract

Beginning in the 1850s, American industry began to expand beyond the textile mills of New England. Canals had moved raw materials and finished goods across the states of the Northeast, but by the midpoint of the nineteenth century, canals were being replaced by railroads. Railroads quickly and efficiently carried passengers, raw materials, and manufactured items in the East. New companies were established to provide the necessary machinery. Read the following document, complete the document analysis sheet, and be prepared for class discussion.

Cleveland, Painesville & Ashtabula R.R.

This Memorandum of Agreement made this 17th day of August 1856 by and between the Bay Steam Furnace Co of the City of Cleveland of the first part and the Cleveland Painesville & Ashtabula Rail Road Company by their Agent Albert Congdon Master Mechanic of the second part - Witnesseth

That the said Bay Steam Furnace Co for and in consideration of the payments to be made them by the said second party at the time and in the manner as hereinafter specified, agree to construct of good material and workmanship, an Engine Boilers Lathes &c as follows to wit:

One Vertical high pressure Engine with cylinder (16) sixteen inches diameter + (24) twenty four inches stroke in all respects similar to the one furnished for the Toledo + Norwalk Rail Road Company with five fronts, grates, &c. common length of steam + feed pipes + Engine shaft, fly wheel, Copper flue Heater, Governing, Blow off cock &c for the sum of seventeen hundred + fifty dollars (It is agreed to substitute a wrought iron crank shaft in the place of the straight wrought iron shaft usually furnished, the difference in cost of material + labor on same to be added to the cost of the Engine as above stated)

Also Two Steam Boilers of 1/4 in iron twenty four feet long forty two inches diameter with two flues at nine + one half cents per pound wrought iron steam drum + three iron patches for same twelve + one half cents per pound.

One Large Lathe for turning drivers with similar arrangement to the one now in use in the Locomotive Shop

Fig. 1.1.

of said Company, for the sum of twenty
five hundred + fifty dollars
It is further agreed by the said first party
to deliver the foregoing work on cars (to
be furnished by said second party at
the Locomotive works of said company)
and to furnish a competent Engineer to
set up engine + boilers + put the same
in successful operation, the said second
party to furnish all the necessary labor
woodwork + Masonry &c for same
In consideration of the
foregoing the said second party hereby
agrees to pay to the said first party the
aforesaid several sums of money for
Engine Boilers Machinery &c on Com-
pletion + delivery of same
For witness whereof the parties hereunto
have set their hand this day as aforesaid
Cuyahoga Steam Furnace Co
pr Geo. Cribout
C. P. & A. R. R. Co
pr A. Congden

Fig. 1.1.

Fig. 1.1. Cuyahoga Steam Furnace Co., Agreement between Cuyahoga Steam Furnace Co. and the Cleveland, Painsville, and Ashtabula R.R., 1856, MSS 2525 in the collection of the Western Reserve Historical Society.

Elements of a Contract

In today's complex world, contracts are written every minute of every day. Some contracts are simple and short, while others may be very complex and cover hundreds of pages. All contracts, regardless of how simple or complex, are composed of five elements: offer, or what the maker of the contract wants from the other party; acceptance, or the second party's agreement to the terms of the offer; valid consideration, or what each party receives from the contract; legal purpose, or the concept that a contract to commit a criminal or illegal act is not valid; and competent parties, or that the two sides are both able to enter into a contract under the provisions of law. Identify each of these elements from the contract in **Handout 1** between the Cuyahoga Steam Furnace Company and the Cleveland, Painesville, and Ashtabula Railroad Company.

Offer—

Acceptance—

Valid consideration—

Legal purpose—

Competent parties—