

No. 74-1776

In the
Continental Congress of the United States

PATRIOTS,

Petitioners,

v.

LOYALISTS,

Respondents.

BRIEF FOR PETITIONERS

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January 29, 2026

QUESTIONS PRESENTED

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from Great Britain?

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TABLE OF AUTHORITIES

1689 - ENGLISH BILL OF RIGHTS

1690 - JOHN LOCKE'S SECOND TREATISE OF GOVERNMENT

MARCH 22, 1765 - THE STAMP ACT

MAY 29, 1765 - VIRGINIA RESOLVES ON THE STAMP ACT

OCTOBER 19, 1765 - RESOLUTION OF THE CONTINENTAL CONGRESS IN RESPONSE TO THE STAMP ACT

MARCH 31, 1774 THE BOSTON PORT ACT

MAY 20, 1774 - THE MASSACHUSETTS GOVERNMENT ACT

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**MAY 20, 1774 - THE CIRCULAR LETTER OF THE BOSTON
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MAY 10, 1773 - TEA ACT RESOLUTION

OCTOBER 16, 1773 - PHILADELPHIA RESOLUTIONS

OCTOBER 10, 1774 - MESSAGE TO GENERAL GAGE

OCTOBER 20, 1774 - RESPONSE FROM GENERAL GAGE

**1774 - A VERY SHORT AND CANDID APPEAL TO FREE BORN
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JULY 8, 1775 - OLIVE BRANCH PETITION

**AUGUST 23, 1775 - A PROCLAMATION FOR SUPPRESSING
REBELLION AND SEDITION BY KING GEORGE III**

**NOVEMBER 9, 1775 - INSTRUCTION TO DELEGATES IN
CONGRESS, THE PENNSYLVANIA ASSEMBLY**

1775 - TAXATION NO TYRANNY, BY SAMUEL JOHNSON

SUMMARY OF ARGUMENT

The British government violates the Enlightenment ideals set in the English law when they take down the colonies' duly elected legislatures. They pass taxes that are burdensome and unjust. There cannot be reconciliation now because when the colonies attempted it before it led only to more tyranny.

ARGUMENT

I. The British limits freedom of the colonies

A. The Intolerable acts take away fundamental human and English rights.

- In John Locke's second treatise of government he argues that tyranny, as opposed to legal authority, is present when the laws seek only to benefit the leaders and not the public good.

- The English Bill of rights establishes a limited government with certain freedoms for all Englishmen. In which they state the King cannot "[violate] the freedom of election of members to serve in Parliament;"

- The British have violated these rights in the passage of the Massachusetts government act and the unlawful closing of the Boston ports because the people of Boston elected a government that England shut down. Done in the law the Boston Port act. Further damage was done in the Quartering act of 1774 when the British forced themselves into Colonial homes without the legislature's approval. These laws all fit under John Locke's definition of usurpation and therefore tyranny.

B. When the Americans protest against this tyranny, which as Adams argues in his Diary in 1773, the colonists have a duty to protest against these attacks, the British respond with a bloody massacre on the streets of Boston. Condemned in a fiery poem by Paul Revere, The Bloody Boston Massacre

C. These restrictions on the rights of Bostonians should not be taken as if it were in a vacuum. If the British have the power, and will to oppress the city of Boston in this way they will eventually do this to all American cities until the colonists are naught but slaves. In

Circular Letter of the Boston Committee of Correspondence; May 13, 1774 it is argued that if they take away the rights of Boston they will take away the rights they will take away the rights of everyone

II. The British Taxes are overly burdensome

- A. The tea act is a dangerous piece of legislation that allows wealthy British merchant domination of Americans. It gives the British East India Company a monopoly on the tea sales. This is an attempt to get these colonies to agree with taxation without representation. An idea which is evidenced by the Philadelphia Resolutions; October 16, 1773. The existing tax on tea that already burdens Americans, was then exacerbated by the British Parliament when they passed this oppressive act.

- B. The Stamp act was the first instance of conflict between Great Britain and these colonies in the Americas. The tax was cumbersome and unbearable, however more importantly it was unconstitutional under English Law.

- C. These acts of taxation are unacceptable because Americans have no representation in the English house of commons, the British Parliament can not tax these colonies, as Americans have the same rights as Englishmen. This is discussed in the

Virginia Resolves on the stamp act, that only the colonial legislatures have the right to tax the English colonists. The idea is further exemplified in the Resolutions of the Continental Congress of October 19, 1765

III. They have ignored all attempts to reconcile

A. The various appeals to the British are great in number and quality

- The continental congress sent a direct appeal to General Gage in the 10th of October of the year 1774 asking him to desist from enforcing the Administration Act of the British Parliament that places Boston under the direct military control of Great Britain. In the letter it was made clear that due to the sentiments of the people in Boston there would be riots if they did not comply with this request.

- In a document by an anonymous author entitled "A very short and candid appeal to free born Britons", it is argued that a middle ground between independence and absolute submission is possible. Acknowledging the grievances of the American Colonists he supported a limited interpretation of the declaratory act, saying that the language of the act still allows for the Constitutions of Britain and the colonies limit British authority over the aforementioned

colonies. Importantly he argues again for the ban on taxation without representation

- If the loyalists are correct and the colonies are citizens, it must follow that colonists are English, otherwise there is no connection to those far away islands. If the colonists are English then those settlers should have the same rights as Englishmen, including the right to petition the king. Under this reasoning, the Olive Branch petition was sent to the king. In this petition the previously brought up grievances are appealed to the king.

B. The British government is largely ignoring these attempts

- In the response from General Gage, it was made clear that the British troops would change nothing about their behaviour and would deny any wrong doing.
- The unconstitutional proposition of taxation without representation continues, therefore the argument of the “Very Short appeal to free born Britons” fails in the idea that there can be reconciliation
- In this response to the so-called Olive Branch Petition, sent to the king by the Second Continental Congress on July 8, 1775, George III

rejects the idea of reconciliation and declares the colonies to be in open rebellion in a document entitled "A proclamation, for suppressing rebellion and sedition"

- The loyalists argue that there was still a chance to "Reddress American Grievances" as stated by the Pennsylvania instructions to its delegates in 1775. In *Taxation no Tyranny*, the author argues that the British Government has a right to tax the American colonies, therefore if the colonies stop resisting these taxes, it is presumed that Britain will stop their taking over of Boston. However it is now clear that such efforts have all been in vain, and this trend shows not signs of discontinuity

CONCLUSION

Due to the limits on basic freedoms, overburdensome and illegal taxes, and the lack of success of any attempt to reconcile or compromise, it becomes necessary to declare independence.

Respectfully submitted,

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