

No. 74-1776

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In the  
Continental Congress of the United States

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PATRIOTS,

*Petitioners,*

v.

LOYALISTS,

*Respondents.*

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**BRIEF FOR PETITIONERS**

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1/14/2026

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## **QUESTIONS PRESENTED**

Should the United Colonies declare independence from Great Britain?

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### **SUMMARY OF ARGUMENT**

From the moment the colonies were created, issues between the colonies and Great Britain were formed and eventually led to tensions between them that spiralled into the reason the revolution occurred. All of the problems were either directly formed by the British Parliament or indirectly caused by Britain, but due to their lack of action, it caused the colonies to get angry and demand independence. From acts to speeches, the colonists were passionate for independence and would stop at no length to make sure they achieved their goal of full and total independence. Among all of the small and big reasons, the colonists had every right to demand independence and take action in the way that they did.

## ARGUMENT

### **I. The British Parliament's actions were detrimental and the outcomes could only push for independence**

The idea of enlightenment and freedom has been passed around throughout the centuries. It's been a core belief of America and is consistently rementioned time and time again. The idea, while consistently mentioned in history, was specifically mentioned towards the colonies when John Locke addressed it in his Second Treatise of Government in 1689.

#### **A. Stamp Act**

The Stamp Act dramatically affected prices in the colonies, specifically when it came to legal transactions. The taxation made it absurdly expensive to become a lawyer, export products, gain a business license, buy property, borrow money, and sign contracts. Not only that, but the tax affected prices of entertainment, gambling, newspapers, and pamphlets. It was impossible to do any of those things without paying a hefty tax.

With that in mind, let's turn to how the colonies responded. In 1765, shortly after the Act was first implemented, they responded in the Resolutions of the Continental Congress in response to the Stamp Act. In that response, it was proclaimed that the colonists had the same natural rights and freedoms that everyone in Great Britain possessed; this was especially true since the colonists had been promised the same legal entitlements as English citizens. They argued that to be free, no taxes should be placed on them without their

consent or by an elected representative. Congress contended that colonists could not possibly be represented by the British government due to the geographical distance between the continents.

Of course, a response like this was alarming to Great Britain. The colonies openly expressed discontent with the policies of the British Parliament; they demanded change. This was only the beginning of the strain that would dwell between the colonists and Great Britain. It was the first flake that snowballed into the American Revolution.

### **B. Tea Act**

The colonies were aggravated. In the Virginia Resolutions and Correspondence, the colonists made it clear that they were ready to fight back if Britain tried to take away even a “particle” of their freedom, and they boldly referred to the British Parliament as Tyrants who were trying to take complete control. They demanded that the colonies have a say in the Acts passed by the mother country.

In the Philadelphia Resolutions on Taxation and Liberty from October 16th, 1773, the colonists presented 8 resolutions in response to the Tea Act. Their most relevant points were their belief that the tax on tea was an obvious effort to force Britain's plan upon the colonies, and they warned that any Loyalists would be considered an enemy of America.

Not only that, but the Tea Act Resolution also led to the famous “Boston Tea Party,” where, as a form of protest, colonists threw tea into the harbor and chanted that they would drown oppressive rulers in the blood of their own guilt, as seen in the Ballad of Boston from

1773. This protest backfired on the colonists because it prompted the Parliament to pass the Boston Port Act, along with other Intolerable Acts in 1774.

### **C. Intolerable Act**

Once again, the Colonies were aggravated by the actions of the British Parliament, so much so that they labeled the acts passed in 1774 as the “Intolerable Acts”.

The Intolerable/ Coercion Act is known as both depending on where you are located. The act itself was a combination of the Boston Port Act, the Massachusetts Government Act, and the Quartering Act, and the purpose of the Intolerable/ Coercion Act was to punish the colonies in response to recent acts such as the Boston Tea Party. In doing so, it severely limited the few rights that the colonists had and caused tensions between the colonies and Great Britain.

Colonists continued to question the authority of Great Britain, as seen in James Wilson's essay, *Consideration on the Nature and Extent of Legislative Authority*. In that same essay, Wilson proclaimed that no one can rule another without consent. He thought all lawful government was founded on that consent, which was given solely to increase the happiness of the people. Therefore, he considered the happiness of the society to be the first law of every government. The colonists were not happy with the way Britain had been ruling as of late.

First, the Boston Port Act was passed by the British Parliament in response to the Boston Tea Party. The Parliament completely closed the Boston Harbor, allowing only enough food and fuel to prevent starvation. At this point, even loyalists thought the law was extreme, harsh, and barbaric. The committee of



correspondence in Boston sent a letter to the other colonies persuading them to consider boycotting British exports. New York was worried about Boston because of the effects of the Port Act.

Then, the British Parliament thought that the colony's electing its own local leaders had been ineffective in adapting the British law system, and the Colonists continued to resist British rule. The Massachusetts Government Act was passed in response; it gave more power to the crown than to the colonies, causing the government in Massachusetts to become very limited and mainly run by elected officials who were elected by the King and Parliament.

Last, the British government made it a requirement that colonists open their homes to soldiers when prompted to through the Quartering Act, causing invasions of privacy and tensions among the colonists at the British soldiers.

Generally, the response to the intolerable acts was anger and worry.

## **II. The colonies responses to British actions made it very clear that they wanted independence**

The way that Great Britain was going out of their way to make sure their control on the colonies wasn't diminishing angered the colonists in ways that created a cause for action and riots. Specifically, it caused preserved writings to come and take over the literature at the time. Additionally, these persuasive writings weren't just coming from the colonists, they were

coming from the people loyal to the British government as well, known as the loyalists.

### **A. Persuasive writings from the colonies**

The desire to declare all independence from Britain was strong; however, it didn't take away the fear that war and other violent reprisals from England and the King might be sent as a rebuttal. But the discussions of the Continental Congress, the planning and actions, made sure to try to subdue those fears and make it so that the fear of freedom actually seemed attainable.

Also, Thomas Paine's book, "Common Sense," supported declaring independence. One of his first claims is that the best form of government is one that provides security efficiently and affordably. Considering the colonists' reaction to the taxes put in place by the British Parliament, Paine's argument regarding affordability was compelling. Paine also argued against monarchy, he remarked that dividing people into "Kings and subjects" was unnatural and unjustifiable. He thought the authority should be law, not a king, and that reconciliation was no longer a suitable option. It was time to secede. As it was put by Paine himself, "TIS TIME TO PART."

Referring back to James Wilson's essay, Consideration on the Nature and Extent of Legislative Authority. He considered the happiness of the society to be the first law of every government.

Additionally, but not as important, in the Philadelphia Resolutions on Taxation and Liberty, Patriots warned that any Loyalists would be considered an enemy of America.

## **B. Persuasive writings from the loyalists**

Loyalists feared the change the declaration would bring, and a confidence in the notion that the declaration was unnecessary and disastrous. From 1774 to 1776, loyalist arguments opposing the Declaration of Independence were largely focused on the principles of preservation and stability; the values of loyalists appeared to lie in maintaining the peace and stability that Great Britain had granted to the colonies. Loyalists argued that preservation of a good relationship with Britain was the only course for preserving liberty and happiness for all. As the name suggests, loyalists were committed to remaining loyal to Great Britain because they felt the colonies owed a debt of gratitude to their mother country.

In his work titled *The Plain Truth*, (written as a rebuttal to Thomas Paine's "Common Sense") loyalist James Chalmer points out that the American colonies have thrived under British rule and credits the colonies' growth to the favorable laws and commerce provided by Britain; Chalmer advocated that the Declaration of Independence was impractical and that the colonies would be far better off if they remained under British rule. He even referred to the British constitution as the pride and envy of mankind.

Overall, loyalists advocated for reconciliation rather than secession and argued that destroying the monarchy would destroy the government itself.

## **III. The attempts on reconciliation from Britain were unreciprocated and made with little effort, causing the colonists to dive into independence**

There were multiple attempts for reconciliation from the colonists side, however every time an attempt was made, the British Parliament chose to purposely ignore it. This fact led to the colonies feeling dismissed, causing eventual anger and eventually being one of the main reasons the colonies fought so hard to gain their independence.

#### **A. Declaration of peace**

The Continental Congress made several efforts to reconcile with Great Britain in 1775. Starting in July of that year, Congress adopted a Declaration setting forth the Causes and Necessity of taking up arms. Although the declaration's purpose was to address grievances they had with Britain, the colonists were clear that they were seeking reconciliation through peaceful means. The declaration also emphasized the colonists' past peaceful efforts to resolve their grievances and reaffirmed their loyalty to Britain.

#### **B. Olive Branch Petition**

Also in July was the Continental Congress's final attempt at reconciliation. The colonists used the Olive Branch petition as another means of peacefully addressing grievances. The colonists wanted to use the safest means possible to "prevent more bloodshed" and avoid disasters that threatened the British Empire. They expressed a desire not only to bring back the "harmony" that previously existed between the colonies and the mother country, but also to establish a new (and more stable) relationship that would remain stable for future generations. Congress even stated that they cared too

much for Britain to ever want a reconciliation that would harm Britain's "welfare or her dignity."

### **C. Declaration of Independence**

After all attempts of reconciliation failed, the colonists gave up trying to reconcile and chose the route they had all been anticipating: full independence from Great Britain.

The declaration of independence, to this day, is one of the most influential documents the world has seen. However before it was fully published, it had to be revised and edited by the continental congress due to Thomas Jefferson's unique writing style.

In the original draft of the Declaration of Independence, Thomas Jefferson's voice is very prevalent. From the beginning to the end, Thomas Jefferson established an angry and spirited voice towards England and the King through the use of his tone and language. For example, in the document called Jefferson's "original Rough draught" of the Declaration of Independence he stated that "Our (the colonies) cause is just. Our union is perfect", and "our internal Resources are great, and, if necessary, foreign Assistance is undoubtedly attainable." Thomas Jefferson paints this picture of how strong the colonies are through his wording. Thomas Jefferson further discusses his confidence within the colonies, but during the Constitutional Convention, the Continental Congress chose to change the wording to come off as more formal in order to insure that the King and Parliament didn't react in a very negative way. The change of wording allowed for the Continental Congress to continue to come off as a group asking for forgiveness in a sincere

and thoughtful way, rather than a group trying to demand freedom.

Furthermore, the grievances that the colonies were addressing changed between the rough draft and the official document due to the colonies resolving the grievances themselves and because majority of the grievances were condensed into summaries, so that the colonists could come across as a group requesting help rather than demanding for all of their problems to be fixed. This was seen in the document Journals of the Continental Congress, where the majority of the grievances that had occurred were fixed through activism throughout the colonies and continental congress and through problem solving.

In conclusion, the drafts of the Declaration of Independence went through a lot of changes, but in the end those changes allowed for the colonists' ideas and requests to be heard clearly and thoroughly by the British Parliament and the King.

## CONCLUSION

In conclusion, the colonies had every right to demand independence from Great Britain and had every reason to take action in the way they did. From the restrictive acts to the speeches on freedom that were shut down by the British government, the colonies showed a profound sense of patriotism and showed exactly when they needed and deserved independence.

Respectfully submitted,

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