

## Bayard vs. Singleton



### NC State Seal

Probably the First US Legal Decision Nullifying a Law Because it was Unconstitutional: Bayard vs. Singleton. During the American Revolution the government confiscated the land of Loyalists in order to raise money for the war against Great Britain.

The seizures of lands were from persons who refused to swear an oath of allegiance to North Carolina, instead maintaining their loyalty to Great Britain. Samuel Cornell, a Loyalist born in America, lost his land when it was confiscated by North Carolina. Later on, the property was purchased by Spyres Singleton.

In 1786, the daughter of Cornell, Elizabeth Cornell Bayard, to whom Cornell has willed the property, sued Singleton for that portion of the property of her father which had been bequeathed to her.

The attorneys representing Singleton cited a law passed by the North Carolina Legislature in 1785 which stated that those who held land purchased under the North Carolina Confiscation Acts of 1777 and 1779 could not be sued for the return of their land.

The State Court, which was composed of Judges Samuel Ashe, Samuel Spencer and John Williams, citing the State Constitution, declared that the 1785 Act was unconstitutional and those whose property had been seized were entitled to a trial by jury. The case went to trial and the final ruling was that Singleton was able to keep the land based upon the State Confiscation Acts.

Nevertheless, the significance of an actual case resulting from the court overruling an established Act of the Legislature served as an example of the system of checks and balances vital to the new American democracy. Bayard vs. Singleton set a precedent for judicial review, as applied by the U. S. Supreme Court in the 1803 case of Marbury vs. Madison.

Source: Efforts to Preserve the British Empire by James Iredell, NCHR 49 (1972)