

Bayard v. Singleton ^[1]

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by Andy Hollins, 2006; Revised December 2021.

See also: [Bayard v. Singleton](#) ^[2] (Research Branch, N.C. Office of Archives and History)

Bayard v. Singleton was possibly the first legal decision in the United States in which a court nullified a law because it was found to be unconstitutional. During the [American Revolution](#) ^[3] the government confiscated the land of [Loyalists](#) ^[4] to raise money for the war. People whose land was seized were those who refused to swear an oath of allegiance to North Carolina, maintaining their loyalty to Great Britain instead. Although born in America, [Samuel Cornell](#) ^[5], a Loyalist, lost his land when it was confiscated by North Carolina. It was later purchased in part by [Spyres Singleton](#) ^[6]. In 1786 Cornell's daughter, [Elizabeth Cornell Bayard](#) ^[7], to whom Cornell had willed this property, sued Singleton for the portion of her father's property that had been left to her. Elizabeth Bayard was represented in her suit by future governors [Samuel Johnston](#) ^[8] and [William R. Davie](#) ^[9]. In response, Singleton's attorneys, who were former governor [Abner Nash](#) ^[10] and future U.S. Supreme Court Justice [Alfred Moore](#) ^[11], cited a law passed by the North Carolina legislature in 1785 that said that those who held land purchased under the state's [Confiscation Acts](#) ^[12] of 1777 and 1779 could not be sued for the return of their land.

After lengthy consideration, the state court-composed of Judges [Samuel Ashe](#) ^[13], [Samuel Spencer](#) ^[14], and [John Williams](#) ^[15]-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. Although Singleton was able to keep the land based on the state Confiscation Acts, the significance of the case resulted from the court's overruling of an established act of the legislature. This ruling by the court was an early example of the system of checks and balances vital to the new American democracy. *Bayard v. Singleton* set a precedent for judicial review, as applied by the U.S. Supreme Court in the 1803 case of *Marbury v. Madison*.

References:

Lindley S. Butler and Alan D. Watson, eds., *The North Carolina Experience: An Interpretive and Documentary History* (1984).

Don Higginbotham, "James Iredell's Efforts to Preserve the British Empire," *NCHR* 49 (1972).

Quinton Holton, "History of the Case of *Bayard v. Singleton*" (M.A. thesis, UNC-Chapel Hill, 1948).

Additional Resources:

"Bayard V. Singleton." NC Highway Historical Marker C-20, North Carolina Highway Historical Marker Program, N.C. Office of Archives & History: <https://www.ncdcr.gov/about/history/division-historical-resources/nc-highway-historical-marker-program/Markers.aspx?sp=Markers&k=Markers&sv=C-20> ^[16] (accessed December 4, 2012).

Martin's Reports. p.42-49. <https://statelibrary.ncdcr.gov/ghl/themes/images/january/bayard.pdf> ^[17] (accessed December 4, 2012).

Miskimon, Scott A. "An N.C. precedent for judicial review." NewsObserver.com. July 4, 2012. <http://www.newsobserver.com/2012/07/04/2177462/an-nc-precedent-for-judicial-review.html> ^[18] (accessed December 4, 2012).

Subjects:

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[Court cases](#) ^[20]

[Law and legal history](#) ^[21]

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[Encyclopedia of North Carolina, University of North Carolina Press.](#) ^[23]

1 January 2006 | Hollins, Andy

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