

**Case No. 16,260.** UNITED STATES V. SHACKELFORD.  
[3 Cranch, C. C. 178.]<sup>1</sup>

Circuit Court, District of Columbia.

Nov. Term, 1827.

DUELING—INDICTMENT FOR CARRYING CHALLENGE.

Upon an indictment for unlawfully carrying a challenge to fight a duel, a scienter must be proved.

Indictment for unlawfully carrying a challenge to fight a duel.

Mr. Taylor, for defendant, contended that it was necessary for the United States to prove that the defendant knew it to be a challenge. It could not be “unlawfully” carried if he was ignorant that it was a challenge.

Mr. Swann, for United States, contended that the defendant was bound to know; and that he carried it at his peril.

THE COURT decided, *nem. con.*, that the scienter must be proved; and the circumstances that the letter was not sealed, and that the defendant declared that he thought it was a legal notice, were for the consideration of the jury in deciding whether the defendant knew it was a challenge.

<sup>1</sup> [Reported by Hon. William Cranch, Chief Judge.]