

Crime and Democracy on the Frontier
Augustus Pond v. The People (1860)
8 Mich. 150

Pond v. The People helped define the common-law ruling of self-defense in a homicide. The case summary is long and complicated; what is of importance is that Augustus Pond felt that his life was threatened by three men: David Plant, Isaac Blanchard, and Joseph Robilliard. The three men had previously threatened Pond's life and safety, both to his face and to others who later told him of the threats. They tried repeatedly to enter Pond's house, and not being able to do so, raided and partly destroy his "net-house," a place where fishermen such as Pond store their nets. Plant was in the process of assaulting one of Pond's servants, Dennis Cull, when Pond arrived at the scene, threatened to shoot, and finally shot Isaac Blanchard, who was tearing down the net-house. The three men ran away, but Blanchard was later found dead as a result of the wound caused by Pond's shotgun. Pond turned himself in shortly after.

In his opinion, which was unanimous, Justice Campbell recognizes three grounds of self-defense that may have applied to the defendant had the trial judge for the Mackinac District Court not erred in his jury instructions. These are (1) the defense of one's self or servant, (2) the repelling of a riotous attack, and (3) the resisting of a felony. Campbell holds that Pond had quite strong grounds for justification on each of these accounts, and that a new trial should be granted with proper jury instructions.

For the first justification, Campbell clarifies that defense of another person, in this case a servant, can serve as justification for homicide, and that if the other person is a servant, it can be considered self-defense. He also makes the point that, in contrast with the trial judge's instructions, one may justifiably act upon the belief of actual and imminent danger, even if that belief is later found to be mistaken, as long as the mistake does not arise from fault or negligence of the defendant.

For the second, Campbell considers the special and distinct attributes of riotous attack, and that though rioting may not be a felonious act, its nature does make defensive homicide in its presence justifiable. For the third, he rules that if homicide is committed in an attempt to resist a forcible and violent felony, it is justifiable. This applies even if retreat is a viable option, and even if the felony is committed on a part of one's property that one does not live in.

Because the errors found by the Supreme Court were in the instructions of the previous court, Campbell concluded that the most the Supreme Court could do was to demand a new trial. The result of the Mackinac District Court was therefore reversed, and a new trial was granted.