

“A Man of Peculiar Temperament”

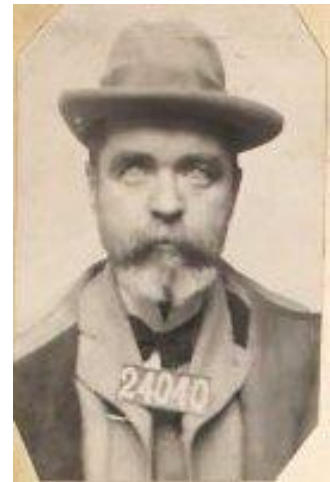
When E. W. Dickenson, clerk of the superior court, went into his yard last Friday morning he was surprised and somewhat frightened when he discovered a stick of dynamite beneath one of his windows. About three yards of fuse was attached the dynamite and the end was partially burned . . .

--San Diego Union, April 7, 1909

It was a close call. Someone had tried to blow up the house of Edgar Dickenson at 3674 A Street. The popular deputy county clerk and “attaché” at the county courthouse could not recall anyone with cause to hurt him or his family. But he did remember a strange business transaction regarding a cow.

Dickenson told police detective Jack Warren that he recently bought a dairy cow from a rancher named Charles Swaile. The seller had claimed the cow was about to become “fresh” and ready for milking. But after several weeks the cow failed to produce milk. Annoyed, Dickenson had demanded and received \$30 from Swaile as compensation for the under-performing cow.

With little else to go on, Detective Warren decided to follow the tip and make inquiries. Swaile, he learned, was formerly a barber by trade, but more recently a rancher in the city’s eastern limits. A small, wiry man with a wife and three small children, the 54-year-old Swaile was feared by neighbors for his menacing temper. Weeks earlier, Swaile’s wife had written to Police Chief William Neely asking the police to arrest her husband, who “beat her without provocation.”



Charles R. Swaile

Warren began watching Swaile’s home at 30th and G Streets. One day he observed Swaile remove objects from a shed and then bury them in the ground under a bee hive. That night Warren crept into Swaile’s yard and unearthed six sticks of dynamite from below the hive.

The next day the *Union* broke the news of Swaile’s arrest with a headline on page one: “DYNAMITER OF DICKENSON HOME IS CAUGHT.” The newspaper revealed that Swaile had admitted everything to police, declaring he only meant to frighten Dickenson as revenge for the \$30 lost in the cow trade gone sour. The *Union* also printed a note from Swaile to his wife that police were holding as evidence:

Dear May—I have had to confess to the detectives to putting the dynamite on Dickenson’s porch, so you will know where I am. I guess they have got me all right. Affectionately yours, Charles.

Reporting from Los Angeles, the *Times* noted “Swaile is indifferent” to his arrest but his wife “is glad her husband is in jail, because, she says, he constantly beat her.”

The case of “People vs. Swaile” began on June 8, 1909. With the evidence at hand, there seemed little doubt that “the dynamite affair” would end quickly. But Swaile’s aggressive legal team began the defense with exhaustive questioning of potential jurors. A jury pool of 150 men—each drawing \$2 a day from the county treasury—sat wearily for nearly a week before the panel of twelve men was selected.

The next skirmish concerned Swaile's confessional note to his wife that had been published in the *Union*. Judge W. R. Guy sustained the defense team's argument that the "private" message from the defendant to his spouse could not be admitted as evidence.

The attorneys then waged battle over the "dynamite." When Edgar Dickenson described on the witness stand the "stick of powder" he found below his bedroom window, the defense argued he was not qualified to express an opinion as the nature of the article. Five days of testimony followed from contractors, miners, scientists, and Navy artillerymen—all offering conflicting opinions as to the exact composition of the alleged explosive.

An exasperated Judge Guy ordered two experts to perform a chemical test of "the stick." One expert declared the explosive to be dynamite. The other disagreed, saying it was really "giant powder."

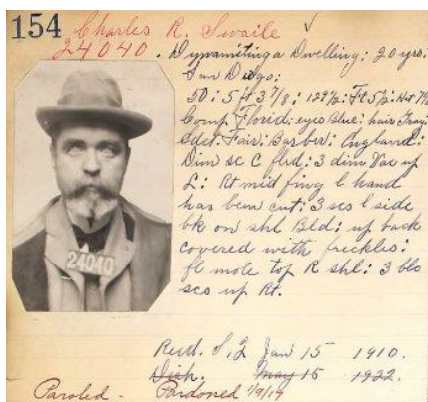
The jury finally got the case on Saturday morning, June 19. After thirteen hours of deliberation, they reported to Judge Guy that they were deadlocked. The judge discharged the jurors at midnight.

The *Union* praised the costly case as "one of the most stubbornly fought trials in the annals of San Diego county." The *Los Angeles Times* was less respectful; "EXPENSIVE COW FOR COUNTY" mocked their headline.



San Diego County courthouse

The District Attorney decided to retry Swaile. The second time around the courtroom pace picked up as the same ground was covered again for a new jury. But after a five-day trial the result was the same: a deadlocked jury.



In late August, trial number three proved the charm for County prosecutors. The jury found Swaile guilty after thirty minutes of deliberation. Two days later, Judge Guy sentenced Swaile to twenty years in the State prison at San Quentin.

Prosecuting attorney James S. Wheeler warned against a premature probation. "He is a man of peculiar temperament," wrote Wheeler. "I consider him a crafty, dangerous criminal and one who is dangerous to the public, if allowed to remain at large."

Swaile's San Quentin record. California State Archives

Despite Wheeler's fears, Charles Swaile would come back to San Diego only five years later. Returning to his former profession as a barber, Swaile lived quietly in Lemon Grove for several years before moving to National City, where he died at age 73 in 1928.

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