Mr. Locke’s Watch Factory:
Columbia and Suffolk Watch Companies of Waltham, MA

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Appendix A—Detailed Histories of Columbia and Suffolk Watch Companies

Columbia Watch Company History

The driving force behind the Columbia Watch Company was Edward A. Locke, a successful businessman who sought out a variety of moneymaking opportunities over many years. He appeared to value U.S. patents and was co-inventor with William Weeden on several oil burner and light shade U.S. patents and individually on internal revenue stamp patents. Later he was involved in identifying the designer for a budget pocket watch to be manufactured by Waterbury Watch Company and served as the company's secretary for a number of years. A1

Locke came to Waltham early in 1896 and created quite a buzz in the city when he announced that he planned to start another watch company. There was speculation that he might purchase the U.S. Watch Co., because the company was struggling financially and the corporation was being dissolved to settle Emil C. Hammer's estate. U.S. Watch Co. even called a special board meeting to announce the company would continue manufacturing watches. A2, A3

He leased a building from Edwin D. Weatherbee at the end of Whitney Avenue to set up his factory; the actual address was 40 Crescent Street. A4, A5 The Waltham newspapers provided a few details on Locke's activities. He hired two key U.S. Watch Co. employees William Matheson, Mechanical Superintendent, and Charles Carey, foreman. A6 He contracted John Stark to construct the necessary watchmaking tools and machinery. A7, A8 He probably acquired used equipment from American Watch Co. A9 Initially, the company's name was unclear; several articles referred to it as “Rumford Watch Co.” and others “Mr. Locke's watch company.” A10, A11 Employees were working hard on a model to satisfy Mr. Locke. “The factory was running full time and hands were being taken in as fast as there was work for them.” Hands worked through the traditional July shutdowns in 1896 and 1897 getting the factory set up. “The fall of 1896 was a slow time and Mr. Locke's factory was about the only factory running full time. A12, A16 Waltham Evening News reported “Running fullest capacity a number of jobs are working overtime” A17 and “Business is booming at Columbia Shop the main drawback now is building is not sufficiently large.” A18 The Columbia factory was very busy in fall of 1897; Waltham Evening News contained a number of short articles that many operators were working overtime, some even up to 9:30 p.m. at night; at one time one-third of hands were working overtime. The factory had the maximum number of hands for the floor space, and the factory would have to be enlarged before hiring any more employees. Locke was heavily involved in day-to-day factory operations, because he often arrived at the factory by 8:00 a.m. The factory continued at maximum with many hands working overtime into January 1898. A19, A21

In the 1897, 1899, and 1901 Waltham Business Directories the company was listed as “Columbia Watch Co. E.A. Locke proprietor end of Whitney Avenue.” Jewelers’ Circular announced Waltham had three watch factories – the latest being the “Columbia Watch Factory,” Locke's enterprise. A24 It was an inauspicious time to come to Waltham during an economic downturn and set up a watch factory; however, many workers who had been laid off from the various companies in Waltham would be eager for a job at this new watch factory. Other businesses probably responded positively to his new enterprise, because he was investing in the city.

In September 1897 through November 1897 and January 1898 The Keystone issues contained various advertisements from William L. Rosenfeld 19 Maiden Lane, New York for Columbia Watch Company’s new product: openface case 0-size ladies’ pendant-set watch. A25 Its price varied from $6 to $10 depending if the customer wanted gold-filled or 14K gold case. December 1897 Keystone contained another smaller Columbia Watch advertisement from Cross & Beguelin 17 Maiden Lane, New York. A26

In March 1898 Waltham Evening News suggested plans had been drawn up to enlarge the Columbia factory, but Locke denied any plans were drawn up; he explained that a local architect had suggested a plan for enlarging the factory. A27 Waltham Evening News noted the factory would shut down on April 18, 1898, for an undetermined time. The next day's newspaper announced the factory shutdown was in order to retool it for manufacturing hunting case movements; Locke had been wanting to manufacture hunting case movements for some time. An order for new machinery was placed with John Stark, but will take some time before it is ready. Nine workers will remain to complete unfinished watches. A28, A31 In July the factory reopened and workers were slowly rehired in small groups over the summer until by mid-September the factory work force was 42 hands and additional workers were taken on later. A29, A35 In 1898 City of Waltham taxed Locke $80 for the company. A37

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In June 1899 the factory was shut down for a three-week annual vacation. Jewelers’ Circular article from August 1899 reported “A contract has been placed for the erection of a new building additional to the works of the Columbia Watch Co. This new building will accommodate 40 hands, besides furnishing more office room. Work will be commenced at once, as the building is to be ready for occupancy by Sept. 1. The addition will be built between the present building and the Weatherbee house and there will be a space of about four feet wide between the two shops to admit light.”

Waltham Evening News articles reported the construction process in August and September 1899; “Work on factory addition is progressing well,” “new finishing department completed and machinery moved in today, the addition complete and several departments are running overnight to rush of work.” “In October the factory was still busy.” “A number of employees are working overnight at Columbia.”

In 1900 Waltham newspapers documented activities about Columbia Watch and its effort to enlarge its factory. “Building permit issued for a one-story addition to Columbia factory” (highlighting the completed 1899 permit) “A number of hands in the Columbia worked evenings last week.” “An addition will be built to the Columbia factory in a few weeks.” “An office to the Columbia Watch factory is in the process of construction. It is being built on the second floor and supported by pillars with run from the ground.” July 1900 factory was shut down for a two-week summer vacation. “In August 1900 factory is working evenings and October the factory is working overtime. “Owing to a change in the movement the finishers at the Columbia are absent a few days.”

The December 1900 notice indicated that the factory was retooling to switch production from the existing duplex escapement watch to the new lever escapement watch labeled “Suffolk Watch Co.”

During 1899 Renton Whitten, Locke’s son-in-law appeared to assume control of the company due to Mr. Locke’s declining health. In 1899 he was assessed by the City of Waltham $152 in taxes as a non-resident.

1900 Columbia Watch factory is in the process of construction. It is being built on the second floor and supported by pillars with run from the ground.” July 1900 factory was shut down for a two-week summer vacation. “In August 1900 factory is working evenings and October the factory is working overtime. “Owing to a change in the movement the finishers at the Columbia are absent a few days.”

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Suffolk Watch Company History

Renton Whidden traveled up to Portland, ME, in December 1900. On December 19, 1900, in the law offices of Drummond & Drummond the Suffolk Watch Company Articles of Incorporation were drawn up. The amount of capital stock was $50,000, no paid in stock, and value per share with $100. The corporation purposes were buying, manufacturing, repairing, selling, and dealing in watches, watch supplies, and watch materials. The incorporators were Renton Whidden, Brookline, Mass, 495 shares; Lawrence A. Ford, Beverly, Mass, 1 share; Harry G. Bryer, Boston, Mass, 1 share; Josiah H. Drummond Jr., Portland, Me, 1 share; Charles M Drummond, Portland, Me, 1 share; and G. M. Horne, Portland, ME - 1 share.

Charles M. Drummond was the president, and G. M. Horne was the treasurer. Charles M. Drummond, G. M. Horne, and Josiah H. Drummond Jr. were directors. Josiah H. Drummond Jr. acted as justice of the peace to complete the incorporation document. On December 19, 1900, Maine Attorney General William T. Haines acknowledged the corporation certificate was properly drawn up and signed. It was formally received and filed December 25, 1900, by deputy secretary of state and filed in Volume 33 page 239. Jewelers’ Circular had a brief notice in early January 1901 about the company’s incorporation.

March 1901 Waltham Daily Free Press-Tribune announced, “Columbia Watch Co. changes hands to be known as Suffolk Watch Co. New Management has already taken possession.” The article continues and provides more details that the company was incorporated in Maine as Suffolk Watch Co. The officers of the new company are president, Morton Crehore; secretary and general manager, Renton Whidden; and treasurer, Stephen Whidden. The company has about 90 hands, and W. M. Matheson, the present superintendent, will continue to serve in the same capacity. The Suffolk Watch Company will have its Boston office at 43 Milk Street. The company had a N.Y. office at 37 Maiden Lane managed by Leon Hirsch. “New Factory. Suffolk Watch Co. Intends to Build.” On the Waltham Daily Free Press-Tribune (front page) reports company is examining sites to purchase and construct a new factory. It has taken a 20- day option on the Taylor estate on Derby Street property. If it purchases the property, it plans to erect a 100-foot-long by 24-foot-deep ½ story factory on it. Two Jewelers’ Circular issues in late March and early April contained small notices repeating what was reported in Waltham newspapers about Suffolk Watch Co. formation and acquisition of Columbia Watch factory. It is interesting that the articles implied a really new corporation was formed, but in the reality, Renton Whidden was probably still the front man for Edward A. Locke behind the scenes changing the company’s name with the introduction of a more conventional 0-size movement.

On May 18, 1901, Waltham Evening News announced “Suffolk Watch Co. The Syndicate Negotiating for That, Also. It will be Sold and Taken to the U.S. Factory.” It further explained that T. Zurbrugg, Sec. Roberts, and Sup. Hastings came to the city to negotiate and purchase Suffolk Watch Co. better known as ‘the Columbia’. They toured the factory, and went to Boston and negotiated with Renton Whidden the terms for the company’s sale. It was rumored that the purchase price was about $60,000. The plant will be moved to the enlarged United States Factory. A few weeks later Waltham Evening News announced, “Columbia Plant will be moved there Soon.”
The task of removing the Columbia watch factory to the United States watch factory has begun and in a short time it will be completed in easy stages. Waltham newspapers announce the program to enlarge the U.S. Watch Co. factory. On June 29, 1901, Maine’s attorney general signed Suffolk Watch Company’s dissolution document. After the Suffolk Watch Co. moved out of the factory, it became the Waltham Tech. Watchmakers School.

Notes
A4. City of Waltham Assessor’s Office Records.
A5. 1897 Sanborn map, Waltham Public Library.
A45. Waltham Daily Free Press-Tribune, City Locals (July 13, 1900).
A47. Waltham Evening News, “Watch Jewels” (October 27, 1900).
A58. Jewelers’ Circular & Horological Review (March 27, 1901): p. 44.
Appendix B—A Summary of Legal Actions Against Columbia Watch Co. by American Watch Co.

In July 1898 American Watch Co. began filing a series of injunctions against various jewelers and watch dealers selling Columbia watches.

An article from the August 2, 1898, Jewelers’ Circular & Horological Review page 10, summarizes American Watch Co. complaints, titled “The Names “Waltham” and “Waltham, Mass.,” Protected by the Courts.”

Last month the American Waltham Watch Co. commenced three actions in the United States Circuit Court in New York City to protect their trademark from infringement. The suits were brought against Irving and Joseph Charig, composing the firm of Charig Bros., against Albert Uhse and against Gertrude, Edward and Morris Hirshfield, all of whom are alleged to have sold watches or movements bearing infringements of the complainant company’s trade-mark. The bills of complaint, which are alike in all cases, after reciting in brief the history and development of the American Waltham Watch Co. and their trade-marks since 1854, the millions of dollars spent in advertising their product as Waltham watches, etc., go on to allege that certain persons have sold and are selling watches made in imitation of the American Waltham Watch Co.’s productions and bearing on the plates and cases the words, “Columbia Watch Co., Waltham, Mass., U. S. A.” There is no corporation, the complaint states, named Columbia Watch Co. in Waltham, Mass., but the movements in question are made by one E. A. Locke, whom the complainants state assumed that name for the purpose of deceiving the public by inducing them to buy his watches in the belief that they were made by the American Waltham Watch Co.

E. A. Locke, they allege, was formerly in business in Waterbury, Conn., and about 1894 moved to Waltham for the sole purpose of inscribing “Waltham” and “Waltham, Mass.” on his watches, words which have become associated in the minds of the buying public with the American Waltham Watch Co.’s productions. Many dealers, it is alleged, taking advantage of the fact that Locke’s product bore the word “Waltham,” and because of the similarity in meaning between the words, “Columbia” and “American,” have, by representing them as Waltham watches, induced innocent purchasers to buy watches made by Locke, in the belief that they were purchasing the American Waltham Watch Co.’s movements. These infringements, they claim, are inferior to similar watches of the complainant company, and by reason of the infringements and unfair competition, etc., the complainants’ business has suffered. They ask that an injunction be granted restraining the dealers aforementioned from selling, advertising or representing any watches as Waltham watches except those made by the American Waltham Watch Co.

Judge Lacombe, of the United States Circuit Court in New York, Wednesday handed down a decree in the action brought by the American Waltham Watch Co. against Albert Uhse. The decree, which is entered by consent, grants a perpetual injunction restraining the defendant, his agents, etc., from:

First—Further selling, advertising or giving away watch movements inscribed with the words “Waltham” or “Waltham, Mass.,” unless such movements shall have been made by the American Waltham Watch Co.

Second—Further selling, advertising or representing as Waltham watches any movements except they be made by the complainant company.

Third—Using the phrase Waltham watches or the word Waltham, with or without the prefix Columbia or any other prefix whatever, in connection with or describing, advertising or selling watches or watch movements, except as to movements made by the American Waltham Watch Co. No profits, damages or costs are awarded by the decree, which is made final.

Author’s observations: American Watch Co. was engaged in an ongoing legal battle for almost eight years with U.S. Watch Co. over a similar infringement issue without final resolution. American Watch Co. (AW Co.) decided to change tactics not to attack Columbia Watch Co. directly but attack the jewelers/watch retailers selling Columbia Watches. AW Co. maintained that Columbia Watch Co. was not a “real corporation” but was a company owned by Edward A. Locke; Mr. Locke set up his company in Waltham in order to use the name “Waltham” on its movements and deliberately deceived the public to thinking that they were purchasing a watch from American Watch Co. Company also claimed name “Columbia” is similar to “American,” but that argument seemed like a stretch.

An article from the November 9, 1898, Jewelers’ Circular & Horological Review, page 19, highlights “More Injunctions Against Wrongful Users of the Name Waltham.”

Six more decrees similar to those obtained in the United States Circuit Court in New York and recently published in The Circular, have been granted to the American Waltham Watch Co., by Judge Dallas, of the United States Circuit Court, in Philadelphia. These decrees are in
suits brought by the American Waltham Watch Co. against retail dealers handling the watches made by the Columbia Watch Co., of Waltham, Mass., which watches were inscribed with the words, “Columbia Watch Co., Waltham, Mass.” The American Waltham Watch Co. claim that the word “Waltham” is their trade-mark, and seek in these suits to prevent the sale of watches made by others than themselves and bearing the word “Waltham.” The effect of these decrees is to prohibit the use by the defendants of the word “Waltham” or the words “Waltham, Mass.”, upon or in connection with any watches except those made by the American Waltham Watch Co. The six suits in question were brought against the following Philadelphia jewelers: C. Kibele & Co., of 628 Chestnut St.; Robert L. Saunders, of 13 S. 8th St.; G. Heineman & Sons, of 137 N. 9th St.; Samuel Mellin, of 1903 S. 20th St.; Edwin Howard Williams, of 4941 Germantown Ave., and W. H. Thompson, Jr., individually and as administrator of E. M. Thompson, deceased, of 33 S. 8th St. The decrees in these cases were entered by consent and are substantially all in one form. They direct that injunctions issue restraining the defendants in substance:

First—From further selling or offering or advertising for sale or giving away watches or watch movements bearing or having inscribed upon them the word “Waltham” or the words “Waltham, Mass.”, unless such watches or watch movements shall have been made by the complainants, the American Waltham Watch Co.

Second—From further selling or offering or advertising for sale as “Waltham watches” or representing as “Waltham watches” any watches or watch movements except watch movements made by the complainants, the American Waltham Watch Co., or watches containing such watch movements.

Third—From further using the phrase, “Waltham watches” or the word “Waltham” with or without the prefix “Columbia” or any other prefix whatever in connection with or in describing, advertising or selling watches or watch movements except as to watch movements made by the complainants, the American Waltham Watch Co., or as to watches containing such watch movements.

The attorneys for the American Waltham Watch Co. in these cases are Samuel W. Hyne- man, Drexel building, Philadelphia, and Frank L. Crawford, 229 Broadway, New York.

Author’s observations: These legal actions were similar to the initial round, but they were filed in U.S. District Court in Philadelphia. American Watch Co. probably wanted to make strong legal statements in the two major eastern cities New York and Philadelphia so jewelers and watch sellers in other parts of the country would read about these injunctions in Jewelers’ Circular and would quickly decide to stop selling the Columbia watches in fear of being sued by American Watch Co.

The November 16, 1898, Jewelers’ Circular & Horological Review, page 21, contained an interesting trial summary between American Watch Co. and U.S. Watch Co. over trademark infringement.

“Word “Waltham” on Watches.

Trial of the Suit of American Waltham Watch Co. against United States Watch Co. Over Use of the Word.”

Boston, Mass., Nov. 12.—The case of the American Waltham Watch Co. against the United States Watch Co., the plaintiff corporation seeking an injunction restraining the defendants from making, marking or marketing their watches with the word “Waltham” used in connection therewith, occupied the attention of the Massachusetts Supreme Court, Equity Session, for the greater part of three days this week.

The inception of the United States Watch Co. dates back to 1883, when the Waltham Watch Tool Co. was organized. In 1884, when the company sought to be incorporated as the Waltham Watch Co., the commissioner of corporations refused to allow that title to be used by the promoters. In 1885, however, the name United States Watch Co. was allowed and adopted. The American Waltham Watch Co. antedate the United States Co. by a number of years, having succeeded to the business of the original makers of watches in Waltham, the pioneers manufacturing them under the name of Dennison, Howard & Davis.

Plaintiffs’ contention is that the name “Waltham” has always been made to appear prominently upon the works made and sold by the United States Co., with intent to mislead and defraud the buying public, the plaintiffs’ product having been known and recognized universally as the “Waltham watch.” It is urged that priority of use has identified the word “Waltham” with the American company’s output, and that the United States Co. should be restrained from any use of the word which will enable the defendants or their agents, or dealers handling their watches, to lead purchasers to believe that they are obtaining what is recognized as a “Waltham watch,” when they secure one manufactured by the United States Co.

Specifically it is asked that defendants be enjoined from making or advertising or otherwise holding out their manufactures as Waltham watches; from using the initials “U. S.” instead of "Waltham."
of the company’s full name, and from using the word “Waltham” and the words “Waltham, Mass.,” upon their watches in any way. Defendants’ contention is that the word “Waltham” is purely a term of geographical significance; that plaintiffs have no exclusive right to use it, which a name being free to the public; that it is well known that there are other watch factories in Waltham besides that of the plaintiffs; that wherever the words complained of have been used by the defendants they have been used in connection with other words which have qualified and distinguished the products of the United States company from those of the plaintiffs and other Waltham concerns; and defendants claim that they have never counseled or induced dealers to pass their watches off as those of the plaintiffs.

The case was called on Wednesday, Nov. 9. President Fitch, in his testimony, described concisely the nature and extent of the plaintiffs’ business. He stated that upward of 8,000,000 watches have been made, thousands of dollars being invested in plant, machinery and appurtenances of the works, while $1,250,000 have been spent in placing the company’s movements on the market, advertising them as “Waltham watches” and pushing their sale into every quarter of the globe under that designation.

Robert B. Johnson, formerly of Whitford & Johnson, at one time selling agents for the United States Watch Co. and located in business in Waltham, testified to hearing Thomas B. Eaton, former president of the defendant company, converse with the salesmen of that company relative to their course while on the road. He said that Mr. Eaton’s remarks were to the effect that the salesmen could sell the watches of the company as “Waltham watches.” They were essentially a Waltham watch, Eaton said, being manufactured in Waltham. William P. Locke, who was a salesman for the United States company in 1892, testified that Mr. Eaton, then president, told him to push the word “Waltham” for all it was worth, and to say to dealers that these watches could be sold for Waltham watches. “They are watches,” he quoted Mr. Eaton as saying, “manufactured by the United States Watch Co., of Waltham, and they are Waltham watches.”

Judge Knowlton: “I suppose the contention of the plaintiffs is not so much that defendants were telling untruths expressly, if at all, but that they were telling truths in such a way as to enable them to get the benefit of the reputation of another party.”

Mr. Locke further testified that when he couldn’t sell watches marked “U. S.” he would see it he could not sell the dealer watches with the purchaser’s firm name on them, followed by “Waltham, Mass.,” as if especially made for that dealer, and succeeded in some instances in doing so.

Prosecution brought in a series of witnesses from the watch train to testify, and the following are key witnesses. Elmer C. Woodworth and J. Edward Wilson, retailers, testified to sales from the United States Company to them of watches which they retailed as “Waltham watches.” The suggestion had come from the makers through their representatives that this could be done. Harry E. Duncan, expert at the American company’s factory, gave testimony regarding imitation of the plaintiffs’ watch movements by the defendants, describing parts of watches which had special features, and wherein these features had been followed by the United States Company. James S. Blake, of Kettell & Blake, jobbing watch dealer and president of the Boston Jewelers’ Club, testified to sending for and receiving a catalogue from the National Jobbing Co., of Chicago, with an advertisement of the “United States Waltham Watch” therein. B. B. Treen, employed as a missionary by the American company, showed a watch which he had bought of the Goddard Mfg. Co., in Boston, dealers in watches, jewelry and other articles, marked “J. W. G. Special, Waltham, Mass.,” on the dial, which the salesman said was made by the same company that manufactures the “Riverside” and “Appleton & Tracy” movements. As a matter of fact it was made by the United States Watch ‘Co. Max Freeman, of Washington St., Boston, testified that he had sold upward of 100 United States watches, and buyers as a rule thought they were getting a regular “Waltham watch.”

Counsel for the defense made the point regarding these cases, however, that the company should not be held responsible for acts of retail dealers or jobbers who could not in the nature of things be controlled by them. Judge Knowlton, however, ruled that the evidence was admissible wherever it appeared that the purchaser had been actually deceived by the presence of the word “Waltham” on the watch.

For the defense only two witnesses were called. These were Mr. Bentley, of the defendant company, and E. A. Locke, of the Columbia Watch Co. Defense ignored the testimony regarding fraudulent sales by handlers of United States watches. Both witnesses testified to absence of friction between the big company and their smaller competitors when the latter first started in business, it being sought to show by their evidence that so far from objecting to their starting in Waltham as competing concerns, they were ready to sell
them machinery which they were replacing with new outfits, and from time to time did other acts recognizing the defendants as local competitors, equally entitled to be considered Waltham industries.

Mr. Bentley testified that the company had not sent out any travelers since Mr. Eaton ceased to be president, in 1896. In 1887, 1888 and 1889 he had bought material of the plaintiffs. When the Association of Jobbers in American Watches was in existence both companies were members. Mr. Fitch, president of the American company, had introduced the United States Company as a candidate for membership. Their plant, he averred, was valued at about $200,000, and perhaps $600,000 had been spent in establishing and pushing the business. He considered the manufactory by no means an inconsiderable feature of the industrial plants of Waltham.

On cross-examination Mr. Bentley was asked whether, as the manager of the company, he would be willing to have the word “Waltham” left off the dial, as far as its commercial value was concerned. Counsel for plaintiffs here called attention to the subordination of the name of the corporation to that of the city, the latter being much more prominent on the dials.

Mr. Bentley said he would insist upon placing the words “Waltham, Mass.” on all movements because that is where the watches are made and where the place of business is located. It was of commercial value because it gave the owner of each watch the address of the manufacturers. Furthermore it is the custom, he said, of all watch companies to use the name of the place of manufacture unless it is incorporated with the name. The Elgin don’t have it because they say “Elgin National Watch Co.” The Hampden company have “Canton, O.,” the Illinois have “Springfield,” and so on down the line.

Edward A. Locke exhibited a watch which he had that was made in Waltham prior to the formation of the American Waltham Watch Co., and an attempt was made to show that the American company had no claim to priority for itself. Mr. Locke also testified to purchases of machinery and other dealings with the American company, the purport of the evidence being to show that in the earlier days of watch making in Waltham there was no thought of shutting out rival companies from the right to use the word Waltham on their watches.

Counsel for plaintiffs informed the Court that they were prepared to prove that when the American company succeeded to the business of the old company in Waltham they adopted the numbering that had been inaugurated by the original concern and continued there from, and there had never been any break in this numbering from the start.

Wednesday and Thursday were taken up with the hearing of witnesses mainly, and Friday was devoted to arguments, and to citing decisions in United States and English courts upon trademark suits.

The complainants asked, first, that the word “Waltham” be eliminated from the dial of the defendants’ watches absolutely; and second, that the defendants be forbidden to place the word “Waltham, Mass.,” on the plate of the watch or, if allowed to use those words as their business address, that they should be compelled to couple them, in every instance, either with the words “Not a Waltham watch,” or with the words, “No connection with the American Waltham Watch Co.” The complainants’ counsel produced and showed to the Court a number of watch plates, which had been engraved with the name and address of the defendant company, and also with the qualifying words which are mentioned above, showing that it was perfectly possible to place these words upon a watch plate, without interfering with any other matter that was properly placed thereon, and without, in any way, disfiguring the plates.

Decision reserved and papers taken under advisement

Author’s observations: American Watch Co. presented a variety of witnesses who testified U.S. Watch Co. sales personnel and jobbers were attempting to mislead the buyers that they were purchasing watches manufactured by American Watch Co., and defendants countered that they had the right to use the name Waltham, because their manufacturing operations were located there. Both Bentley and Locke suggested that there was no friction between American Watch Co. and them, and American Watch Co. even offered to sell older machinery to both companies. Locke also attempted to delink the relationship between Dennison, Howard & Davis and American Watch Co., but American Watch Co. stoutly insisted that it carried on the business from the prior company and continued the watch serial number pattern from the prior company. This trial was one of the final blows against both companies using the word “Waltham” on their watches.

The November 30, 1898, Jewelers’ Circular & Horological Review, page 25, contained notice of another injunction filed by American Watch Co. against Columbia Watch Co. from “Protection to the Words “Waltham” and “Waltham, Mass.”
Philadelphia, Pa., Nov. 26.—In the United States Circuit Court for the Eastern District of Pennsylvania, held in Philadelphia this week, Judge Dallas granted an injunction against the defendants in the case brought by the American Waltham Watch Co. against Minnie Schwartz and Rosa Schwartz, doing business under the name of the Penn Jewelry Co., 156 N. 8th St., this city. This suit was one of a large number brought against dealers handling watches made by the Columbia Watch Co. Injunctions have been granted in many of these cases, notice of which has appeared before in these columns.

The decree in this case was entered by consent and provides for an injunction similar in form to those entered in the other cases referred to and enjoins the defendants from selling or advertising for sale any watches or watch movements inscribed with the word “Waltham” or the words “Waltham, Mass.,” unless such watches or watch movements shall have been made by the American Waltham Watch Co.; also from selling or advertising for sale as “Waltham watches,” any watches, except those containing the movements made by the American Waltham Watch Co.

The March 15, 1899, Jewelers’ Circular & Horological Review, page 9, contains a summary of the continuing lawsuit against Joseph E. Sandman by American Watch Co.

“Word” Waltham” Again in Court."

The Suit of American Waltham Watch Co. Against an Agent for the Columbia Watch Co.—Non-Appearance of the Defendant.

Another important suit involving the right of the American Waltham Watch Co. to the exclusive use of the word “Waltham” on watches was argued before Judge Townsend, in the United States Circuit Court, Wednesday last. This action is one in equity and is against Joseph H. Sandman, the selling agent of the Columbia Watch Co. The complaint in the action was filed in February, 1898, and its salient points are as follows: After giving the history of the American Waltham Watch Co. since about 1854, with their various changes in business and in name, as well as the growth of the company’s trade-mark in the name “Waltham,” the complaint goes on to show the developments of a secondary meaning of the word “Waltham,” in that it has come to indicate, not a place, but the watch of the complainants’ manufacture. It cites an attempt to infringe this trademark by the United States Watch Co., and then comes what may be termed the “meat” of the complaint. This is to the effect that Joseph H. Sandman has been selling watches similar to the complainant company’s, and stamped with the word “Waltham” for the purpose of trading upon the American Waltham Watch Co.’s reputation. These watches, the complaint alleges, are made by E. A. Locke, the proprietor of the so-called Columbia Watch Co., and that Locke had selected Waltham as a place to manufacture watches for the express purpose of putting that name on his product, and thereby taking advantage of the good will and reputation established by the American Waltham Watch Co. The complaint further contends that Locke, instead of using his own name, used “Columbia Watch Co.,” which could easily be confused in the minds of the public with that of the complainant company. The watches, the complainants claim, imitated theirs in size and style.

The defendant, Sandman, the complaint alleges, is the selling agent of E. A. Locke and has advertised these Columbia watches as genuine Waltham watches, and that these watches were being widely sold by the retail dealers as the product of the complainant company, the dealers being able to deceive their customers by showing them the word “Waltham” on the dial. The complaint also alleged that Sandman was a party to the unfair dealing and infringement of the trademark by others as well as himself. The complaint then goes on and asks the Court to grant a perpetual injunction against Sandman and all persons acting with him or under his authority, from further use of the words “Waltham” or “Waltham, Mass.,” on or in connection with watches or any advertisements relating to his watches.

After answering the various allegations of the complaint, the defendant admitted that he was the sole agent of the Columbia Watch Co., and that E. A. Locke was the proprietor of that company. He denied that Locke adopted the name, Columbia Watch Co. and that E. A. Locke was confused with the complainants, and also contested that Locke established in Waltham on account of the opportunity of employing workmen on watches who lived there. The complainants, he claimed, for four years did not object to the use of the words “Columbia Watch Co.” by Locke, but, on the contrary, encouraged him in his investments, by selling him tools and machinery. Sandman denied that the ads. complains of in any way tended to deceive the public or stated anything that was not exactly true, and winds up by contending that Locke has a good right to make, mark and sell his watches in the manner he has done.

After the suit commenced, a great deal of testimony was taken, both documentary and oral, and the case closed last Fall. Wednesday, when it
came up for argument in the United States Circuit Court, the counsel for the defendant, Sandman, did not appear, but the case was argued by Frank L. Crawford on behalf of the American Waltham Watch Co. Mr. Crawford summed up the testimony, laying particular stress on those parts of the testimony which tended to show that Locke's watches had been sold by Sandman and others as Waltham watches. He asked that the defendant be enjoined from selling any movements marked with the word "Waltham" except those manufactured by his clients, unless these other movements were accompanied by a statement stamped on the watch that they were not the product of the American Waltham Watch Co. Mr. Crawford cited and laid particular stress upon a decision to this effect by the Supreme Judicial Court of Massachusetts in another case, which was published in full in The Circular last week. He contended that where confusion arises from the stamping of geographical names, even though the defendant had the right to use it, he being a second comer, will be required to clearly distinguish his goods from those of another who first occupied the field, and this distinction must be so effective as to render confusion impossible.

At the end of the argument, Judge Townsend took the brief and reserved decision. It is expected, owing to the non-appearance of the defendant, that Judge Townsend will hand down an opinion in favor of the American Waltham Watch Co. and following that of the Massachusetts Court, already published.

Author's observations: American Watch Co. initiated injunctions beginning in March 1898 against Joseph H. Sandman for selling Columbia Watches. Sandman also claimed Locke came to Waltham to manufacture watches, because he knew skilled workmen were available and was able to purchase old tooling and machinery from American Watch Co. Columbia must have realized shortly after it took the brief and reserved decision that it was going to be difficult for continuing to sell watches, so the factory shutdown in April 1898 to retool for manufacturing hunting model was an opportune time. Mr. Locke probably used this opportunity to negotiate with Atlas Watch Co. to sell watches through them marked "Atlas Watch Co. Chicago, ILL" that would avoid further legal opposition from American Watch Co. Columbia continued to press in court hoping the judge might rule in their favor, however by the Spring of 1899 Columbia realized the courts were unlikely to rule in their favor. Massachusetts Supreme Court Chief Justice Oliver Wendell Holmes just issued its landmark trademark infringement judgment in favor of American Watch Co. vs. U.S. Watch Co. Mr. Sandman knew pursuing the cause was a futile effort, so he (Sandman) failed to appear in court and Judge ruled in favor of American Watch Co.


"Again the Word " Waltham."
U. S. Circuit Court Gives Injunction,' Etc., to American Waltham Watch Co. Against J. E. Sandman."

New Haven. Conn. July 27.—Judge Townsend, in the United States Circuit Court, today handed down a decision giving to the American Waltham Watch Co. an injunction, damages and an accounting in the action brought by them against Joseph H. Sandman, selling agent for the Columbia Watch Co., Waltham, Mass. to restrain him from selling their watches as Waltham watches. Judge Townsend's decision in full is as follows: Townsend, District Judge. On final hearing herein, complainant asks for an injunction and accounting against the defendant by reason of his unlawful use of the word "Waltham" on watches sold by him. The Supreme Court of Massachusetts has decided the same questions as are herein involved adversely to the claims of the defendant.

Complainant is and has been for nearly fifty years a manufacturer of watches at Waltham, Massachusetts; it was practically the pioneer in the watch business in this country; prior to 1854, the due of the establishment of its business, only two attempts had been made in this country to manufacture watches, both of which were unsuccessful; its business has grown to an enormous extent, nearly eight millions of watch movements being sold by it, all of which, with but few exceptions, have borne the name "Waltham," and over a million of dollars have been expended by it in advertising and familiarizing the public with its watches. It appears that originally the name "Waltham" was thus used in a geographical sense, but by continued use it has acquired a secondary meaning as a designation of watches of a particular class, and purchasers have come to understand that watches stamped with the name "Waltham," are watches made by complainant.

In 1895, one E. A. Locke, for whom this defendant was sole selling agent, began the manufacture of watches at Waltham under the name of "Columbia Watch Co." Said Locke was not a resident of Waltham. Before locating his business
there, he talked with one Frederick P. Ripley of the value of the name “Waltham” in connection with watches and said that if he ever were to manufacture watches, he would do so at Waltham; and further said to Ripley “that he considered Waltham the best place in the world to manufacture watches because the word ‘Waltham’ would sell a watch,” and in answer to the question how the word “Waltham” had come to be known all over the world, said, “through the Waltham watch that is manufactured in Waltham by the American Company.”

Said Locke has made watches similar in appearance to those manufactured by complainant, stamped with the names of fictitious corporations, and the words “Waltham, Mass.” They were of an inferior quality, and were sold for a ranch lower price than those of complainant. While the number of watches made by said Locke prior to 1898 did not exceed twenty-five thousand, such watches were stamped with much higher number so as to suggest, together with the name “Waltham,” the older and original manufacture matches by complainant, and purchasers were actually deceived into believing they had purchased the original Waltham watches, when in reality they had bought watches of defendant’s manufacture.

The controlling questions herein have been elaborately discussed by Judges Knowlton and Holmes of the Supreme Judicial Court of Massachusetts in Am. Waltham Watch Co. vs. United States Watch Co. (Mass.) In the views therein expressed I heartily concur. The ground of said decisions is, that such conduct is a violation of the law against unfair trade, and is intended to deceive and defraud the public and to deprive the complainant of the trade and good will to which it is entitled. In the course of his opinion Judge Knowlton said:

“I am of the opinion that this word (Waltham) has acquired a secondary meaning in connection with the plaintiff’s watches, of which the defendant has no right to avail itself to the damage of the plaintiff, and that there should be an injunction against the use by the defendant of the word ‘Waltham’ or the words ‘Waltham, Mass.,’ upon the plates of its watches without some accompanying statement which shall clearly distinguish its watches from those manufactured by the plaintiff. I find that the use of the word ‘Waltham’ in its geographical sense on the dial is not important to the defendant and that its use should be enjoined. Specimens of watch movements were put in evidence by the plaintiff, which showed that it would be difficult to make

prominent upon the plate, in connection with the words ‘U. S. Watch Co., Waltham, Mass.,’ the words ‘No’ connection with the Am. Waltham Watch Co.,’ or ‘Not the original Waltham Watch Co.,’ or similar explanatory statements.”

And Judge Holmes, delivering the opinion of said Court, sustaining the decision of Judge Knowlton said: “Whatever might have been the doubts some years ago we think that now it is pretty well settled that the plaintiff merely on the strength of having been first in the field may put later comers to the trouble of taking such reasonable precautions as are commercially practicable to prevent their lawful names and advertisements from deceitfully diverting the plaintiff’s custom.”

A decree may be entered for an injunction and an accounting.

Frank L. Crawford was attorney for the plaintiffs and H. H. Kellogg and Oliver R. I. Mitchell for the defendant.

Author’s final observations: Based on the precedent decision by Judge Holmes and full Massachusetts Supreme Court vs. U.S. Watch Co. Judge Townsend ruled in favor of American Watch Co. over Columbia Watch Co., so Columbia Watch Co. had lost its final legal challenge to American Watch Co. This American Watch Co. vs. Sandman decision is another often cited trademark infringement case and was noted in the 1899 Yale Law Review.

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