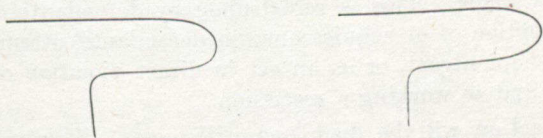


Before the envelope is fastened this hook is placed in such a position that it engages with a part of the envelope which is already gummed together. As I have said before Mr. Swigert did succeed in disengaging one, bending the envelope so as to make a belly like a sail and thus managing to disengage it without destruction. The defendants, who manufacture and sell envelopes on a very large scale, submitted a sample of this envelope to the post office authorities, viz., to Mr. Ross, Chief Post Office Inspector, who condemned the device and held that the proposed use of that envelope at the rate of postage for third-class matter would infringe the postal regulations. Apart from any rule of the department, I find as a fact that it does infringe the regulation for the reasons I have stated above.

A great deal of correspondence ensued, defendants claiming to rescind the contract altogether, and the plaintiffs made a modification of the envelope above described, and secured from the post office department the privilege of enclosing printed matter in it to be mailed at one cent for two ounces. These envelopes are filed as exhibits 9, and the shape of what was formerly a hook is as represented below:



It is claimed by the defendants that this is not what they bought and this I find to be the case. It is true that it is easier to get at the contents but it presents very little, if any advantage over the old "sealed yet open" envelope, exhibit 10. In exhibits 9 the construction shows a kind of hook, but is a very emasculated hook and does not engage with anything. There is a little of what Mr. Swigert calls the "cam action" which I take to be the result of a motion outward from a point which is not a true centre thereby causing a little additional friction in withdrawing the flap. But as