

were received from or despatched to Pelée Island; that there was no mail between 19th February and 1st March last, and none between 7th March and 19th March; and on at least three occasions, on account of the quantity of mail and the condition of the weather, the mail carrier was unable to take all the mail for the island on one trip, and was forced to leave a considerable part of it until he could make another trip, and this would detain that portion of his mail for several days more.

For plaintiff was filed an affidavit made by one Selkirk, the postmaster at Leamington, who operates the telephone cable between Pelée Island and the mainland and handles the winter mail service between the same. Mails were received and despatched on the 9th, 11th, 17th, 24th, and 30th January. In February, received 7th, 13th, and 18th, and despatched 6th, 13th, and 19th of the month. In March received and despatched, 1st, 17th, 19th, 25th, and 28th. In April 8 mails were received and despatched. Mails were often delayed owing to rough weather and moving ice, so that they did not always reach the island on the same days as those on which they were despatched from Leamington, and sometimes were delayed several days before leaving Pelée Island. The same deponent states that the telephone service and connection between Pelée Island and the mainland was maintained in good order and in continuous and uninterrupted service from 23rd January to 23rd April, except from 24th January to 28th January.

An affidavit of plaintiff, who describes himself as a barrister-at-law, states that reasons against appeal were delivered and service admitted on 27th February, and that the appeal bond was filed on 22nd February; that after the time for delivery of the appeal books had expired he "inquired and requested delivery thereof, and was advised that they were not printed for the reason that the defendants had failed to provide funds therefor and to carry on the appeal."

He also states generally that for more than a month before the time for setting down the appeal, steam and sailing boats plied between Pelée Island and the mainland carrying passengers and freight, and the mail carrier would, besides, have brought at any time the exhibits referred to in the reeve's affidavit.

Upon considering the affidavits, I am of opinion that no sufficient excuse has been established for extending the time