

the service is to be effected, or by private process-servers retained by a party to the litigation. Foreign legal documents may therefore be served in all the provinces by forwarding duplicate sets of the documents with English translations attached (or preferably French in the Province of Quebec) directly to the sheriff or bailiff in the judicial district where service is to be effected *without involving the Department of External Affairs*. The cost varies, depending on the number of attempts at service that are required before the documents can be served. The names and addresses of these provincial officials may be found in the *Canadian Law List*, which is a legal directory published by the Canada Law Book Limited, 80 Cowdray Court, Agincourt, Ontario, M1S 1S5. This legal directory may be found in most law libraries.

Whether a sheriff's officer (*i.e.* a government employee) or a private process-server is to be used is a matter of choice for the party to the litigation or the foreign diplomatic mission acting on his behalf that is seeking to effect the service in Canada. Where there is no urgency, the sheriff's services may be used as his charges are generally lower provided there is no difficulty in locating or serving the person to whom the documents are addressed. However, where the addressee may be evading service, it is usually more effective and may cost less to retain a private process-server. If the whereabouts of the person to be served are unknown, a private tracing service may be used. Firms providing such a service are listed in the telephone directory and can often direct enquirers to a private process-server if required.

Most provinces serve documents directly by the methods described above, or serve by post, depending on their legislation, and the Department of External Affairs rarely sees such documents. On the other hand, some diplomatic missions in Ottawa use the services of the Department of External Affairs exclusively for this purpose, even where no treaty for service of documents exists between Canada and the countries concerned.

Informal delivery of foreign judicial documents in Canada by members of diplomatic or consular missions, through the mails, or by private persons, is not prohibited, provided no compulsion is used. For compulsory service of documents, the services of a Canadian sheriff or bailiff must be sought.

In the Province of Quebec, Article 136 of the Code of Civil Procedure provides that the Attorney General may, on request made through diplomatic channels, direct a bailiff to serve upon a person in Quebec any proceeding issued by a tribunal foreign