

guage of the country of execution or to be accompanied by a translation in such language in duplicate. Such translation must be certified as correct by a diplomatic or consular officer of the state from whose territory the documents emanate. The translation should be done prior to forwarding the documents to the Department of External Affairs for onward transmission to the Canadian Embassy, as the Department is not able to provide translation facilities for private cases. The public translator should attach a formal certificate identifying the documents, stating his qualifications to produce a true and correct translation so that the Canadian consular representative may be assured that the official consular certification concerning translation of the documents is acceptable.

Each state specifies to whom the request should be forwarded. Service is effected according to the local laws of the state of execution, but the latter may comply with special Canadian requests where these are not incompatible with its own law. Some treaties also allow the following methods of service without any request to, or intervention of, the authorities of the state of execution: (1) service by a diplomatic or consular officer of the requesting state; (2) service by an agent appointed for that purpose either by a judicial authority of the requesting state, or by the party on whose application the document was issued; (3) service by mail; (4) any other method of service which is not contrary to the law existing at the time of service in the state of execution or which is recognized by the law existing at the time of service in the state from which the documents emanate.

Compulsion cannot be used, and the validity of the service is a matter to be determined by the respective courts of the parties to the treaties.

Due to staff limitations and distances involved, the Department of External Affairs is not in a position to provide the services of a consular officer to effect service. Also, because of the difficulty of retaining a private agent who would be willing to accept the task of effecting service, and the inability of such a private agent to produce anything more than a personal certificate of service, the most satisfactory method of proceeding is through official channels by local authorities following transmission through the Canadian Embassy.

If the person to be served is prepared to attend at the Canadian Embassy in the foreign country in order to accept service, Canadian consular officers may be willing to make the necessary arrangements for this purpose.