

Assuming that the Cuban law requires the authentication of the instrument of transfer by a Cuban consular officer, the degree of authentication will depend on the Cuban consular officer in Canada (a fact which should be ascertained by the person desiring the authentication). It is only when the Cuban consular officer in Canada requires the certification of the Secretary of State for External Affairs that the Department would be called upon to act.

Foreign documents for use in Canada.

19.11. However, the necessity for the authentication by a Canadian Consular officer of a foreign document for use in Canada is not so great. An examination of Annex I will show that most jurisdictions in Canada provide that all affidavits taken outside Canada before a notary public anywhere shall be accepted in evidence provided the document purports to have affixed the seal and signature of such person. (See in particular, however, the law of New Brunswick in Annex I which restricts the taking of such affidavits to matters relating to registration of instruments relating to land). Therefore, Canadian consular officers should encourage persons who desire authentications to use this easy way of having the authenticity of documents sworn to before a notary public in the foreign country concerned when it is to be used in a jurisdiction in Canada which provides for the acceptance in evidence of such affidavits. In each case, however, Canadian consular officers should ascertain the laws of the jurisdiction in Canada from the summary in Annex I and the purpose to which the document is to be put in Canada.

When Canadian consul may authenticate foreign document.

19.12. If a Canadian consular officer finds that the method described in 19.11 cannot be used or that this is not acceptable to the person seeking the authentication and he is called upon to authenticate a document emanating from the foreign local authorities, he may certify the signature and seal of those foreign officers only whose official position, signature and seal are personally known to him.

Form

19.13. a. When a consular officer authenticates a document by certificate, his signature, appointment and seal (or that of the Mission) should be affixed to the document with an indication of the date and place where the document was authenticated.

b. For ease of reference, an example of a consular certificate of authentication is given:

"I certify that Miguel Ponce is known to me to hold the office of Clerk of the Supreme Court in the province of State of..... and that the signature and seal affixed hereto are respectively the