

Similar provisions exist in other provinces in Canada.

As with the treaty countries, "letters of request" (also referred to as letters rogatory) need not follow a prescribed form, provided that they contain the essential information needed to identify and serve the intended recipient. The documents will be forwarded by the Department of External Affairs to the provincial Ministry of Justice or Department of the Attorney-General for service by the sheriff or bailiff in the jurisdiction concerned, as the Department of External Affairs does not employ the services of private process-servers. Proof of service, if effected, will be by sheriff's or bailiff's Affidavit of Service which will accompany the original or certified true copy of the documents; the duplicate set being left with the person served. The documents are returned to the Department of External Affairs, together with the sheriff's or bailiff's account for service for transmission to the foreign diplomatic mission or consular officer. Service through the diplomatic channel takes considerably longer than making a direct request to the sheriff in the jurisdiction concerned. Whichever method is employed, the foreign diplomatic mission is responsible for the payment of the sheriff's account for service or for attempted service.

To summarize, when documents for service are received in the Department of External Affairs, either from treaty or non-treaty countries, they are transmitted to the competent provincial authorities for action. The served documents are returned to the foreign embassy with proof of service and the sheriff's account for service or attempted service. The Department of External Affairs strives to ensure that these accounts are settled promptly so that provincial judicial co-operation will not be impaired.

It should be noted that formal service of foreign judicial documents as set forth above does not *per se* require the recognition or enforcement in Canada of any ensuing judgment, decree or order, which may be rendered by a foreign tribunal. Foreign judgments, decrees or orders cannot be enforced in Canada by means of a request for judicial assistance, and the Department of External Affairs will return any such request received, together with the explanation that an individual seeking to enforce a foreign judgment, decree or order must institute an action for that purpose before a competent court of one of the provinces or territories. As with most legal proceedings, it is necessary to retain counsel to conduct the suit. The Department of External Affairs does not involve itself in the