

performance of such an act in a foreign state does not contravene the law of that state. Hence he should refer to the various conventions on legal procedure which bind Canada, or, where no convention exists, he should ensure that his act is not illegal in the foreign state. Canada is bound by conventions on legal procedure with Austria, Belgium, Czechoslovakia, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Iraq, Italy, Lithuania, Netherlands, Norway, Poland, Portugal, Spain, Sweden, Turkey and Yugoslavia. These conventions have been printed in Canada Treaty Series.

When consul  
may perform  
certain acts

19.05. The following practical rules, subject to the above mentioned conventions (which must be consulted in each instance), may be of assistance:

- a. Canadian consular officers may do legal acts (such as taking evidence on commission) when they are specifically requested so to do by a Canadian Court. Instructions will normally be issued by the Department in each case.
- b. Canadian consular officers may perform notarial acts (excluding affidavits, etc. mentioned in sub-paragraph (c)) only if they are destined for use in Alberta (see Annex I, page 4). Before performing these acts, they must have specific instructions from the Department.
- c. Canadian consular officers may administer oaths or take affidavits, declarations or affirmations in accordance with the law of Canada or of the provinces. (see Annex I).

TAKING OF AFFIDAVITS

Authority for  
taking affida-  
vits abroad.

19.06. Consular officers are authorized, by the laws of Canada and of its provinces, to take affidavits abroad. The relevant provisions of these laws are contained in Annex I.

How to take  
affidavits.

19.07. In order to assist consular officers who have not had legal experience, the following notes have been prepared for their guidance:

- a. Consular officers should not draw affidavits. These should be drafted by the persons presenting them and should be ready for signature when presented to the consular officer.
- b. The simplest procedure for taking an affidavit is as follows: