

It follows that, as the statute law of Ontario, the Province where the accident occurred which caused Chalifour's death, did not confer on anyone claiming on his account a statutory right to sue, there was, so far as Ontario is concerned, no other right. For in Ontario the principle of the English common law applies, which precludes death from being complained of as an injury. If so, on the general principles which are applied in Canada and this country under the title of private international law, a common law action for damages for tort could not be successfully maintained against the appellants in Quebec. It is not necessary to consider whether all the language used by the English Court of Appeal in the judgments in *Machado v. Fontes* (1), was sufficiently precise. The conclusion there reached was that it is not necessary, if the act was wrongful in the country where the action was brought, that it should be susceptible of civil proceedings in the other country, provided it is not an innocent act there. This question does not arise in the present case, where the action was brought, not against the servants of the appellants, who may or may not have been guilty of criminal negligence, but against the appellants themselves. It is clear that the appellants cannot be said to have committed in a corporate capacity any criminal act. The most that can be suggested is that, on the maxim *respondeat superior*, they might have been civilly responsible for the acts of their servants.

The other point that remains is whether art. 1056 of the Quebec Code which has already been quoted conferred a statutory right to sue in the events which happened. Their Lordships answer this question in the negative. The offence or quasi-offence took place, not in Quebec, but in

(1) 1897, 2 Q. B. D. 231.