desire it to be taken to the county where they themselves reside, because of the expense it will be to them to come to the county of York, where the plaintiff resides. As regards the expense, putting aside the question of what that may be as respects the parties themselves, I do not see that it would be so much when once the county in which the cause of action arose is abandoned, as to justify me in granting what the defendants ask: I have no objection, if the defendants desire it, to make an order to change the venue to the county of Hastings, where the cause of action arose; and if they do not elect to take that, then the summons must be discharged.

McGregor v. Batson.

Jurisdiction of the County Court—Costs.

An action on the case, founded on the Statute of Merton, may be maintained in the County Court; and therefore, where the plaintiff had a verdict for 4*l.*, and no certificate was granted, an application for Queen's Bench costs was refused.

This action was founded on the provisions of the Statute of Merton, 51 Hen. III., stat. 41, for distraining beasts of the plough when there was other property which might have been taken for the rent. The plaintiff at the trial recovered a verdict for 4*l.*

The question was whether the action could have been maintained in the County Court.

Burns, J.—It appeared from the declaration that the action was not brought to recover the value of the cattle distrained; for I suppose from the way the count is framed the defendant got his cattle back. The action therefore is, strictly speaking, one of infringement of the laws.