

There was still another feature which caused the system to work much less smoothly after 1760 than before. The English did not retain the office of intendant. Their frame of government had no place for such an official. Yet the intendant had been the balance-wheel of the whole feudal machine in the days before the conquest. He it was who kept the seigneurial system from developing abuses; it was his praetorian power 'to order all things as may seem just and proper' that kept the seigneur's exactions within rigid bounds. The administration of New France was a government of men; that of the new régime was a government of laws. Hence it was that the British officials, although altogether well-intentioned, allowed grave wrongs to arise.

The new English judges, not unnaturally, misunderstood the seigneurial system. They stumbled readily into the error that tenure *en censive* was simply the old English tenure in *copyhold* under another name. Now the English copyholder held his land subject to the customs of the manor; his dues and services were fixed by local custom both as regards their nature and amount. What more easy, then, than to seek the local custom in Canada, and apply its rules to the decision