

capacity to carry water sufficient for mills, as well as navigation, they are proofs, that for want of a guard-lock at its inlet, it is alike unsafe and dangerous to both, since the swollen torrent, which obstructs navigation, might sweep a mill to destruction by the same kind of force which rends and prostrates the banks and mounds of the canal itself.

But it seems to be a still greater mistake as to the nature and causes of these issues and sluices, to cite their long continuance as furnishing a presumption, that the owners of the land, over which they flow, have a right to consider them as permanent streams on which they may erect mills. Presumptions of fact are conclusions drawn from particular circumstances. They are such inferences as are found by experience to be usually consequent upon or coincident with certain known facts. A presumption of right always *supposes some tacit or implied admission of him against whom it is brought to bear, that the title claimed is well **139** founded. The principles of common law, presumptions arising from lapse of time, and those statutory limitations which have been introduced to quiet the rights of individuals, are among the most balmy principles of the law, and should always be highly respected. *Dudley v. Dudley*, *Prece. Chan.* 249; *Charlwood v. Morgan*, 1 *New Rep.* 66; *The Rebecca*, 5 *Rob. Ad. Rep.* 104; *Lingan v. Henderson*, 1 *Bland*, 272. Before a presumption of right can, however, be founded upon the continuance of certain circumstances during any length of time, it must be shewn, that such circumstances necessarily involve an admission of the right of him by whom it is claimed. There must appear to be such an obvious connection between the circumstances and the right, that so soon as the circumstances are established, an irresistible inference immediately arises that the right as claimed must also exist. 1 *Ev. Pothier Ob.* 472; 2 *Ev. Pothier Ob.* 119; 4 *Stark. Evi.* 1234.

But the fact of there being rents in a canal affords a just foundation for presuming, that it has been badly constructed; or that it is exposed to such floodings as to diminish its utility and make it very expensive to its owners. It by no means follows as a fair consequence from such facts, or from their long continuance, that the owners of the canal had made such sluices, or suffered them to continue with an implied or tacit understanding, that they might be considered as constant streams applicable to mills. There is no obvious or natural connexion between such circumstances and the existence of such a right in any form; nor has such a right been found by experience to be usually consequent upon, or coincident with any such known facts. The continuance of such circumstances does not, in any manner, involve an admission of any such right; nor do they stand in the slightest degree related as cause and effect. If the canal had been protected, as it ought to have been, by a guard-lock at its inlet, its supply of water would