

supposes some tacit, or implied admission of him against whom it is brought to bear, that the title claimed is well 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. (a) 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 connexion 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. (b)

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 have been regular; it might have been made perfectly close every where, and there would have been no waste or apparently surplus water gushing from its sides. These presumptions urged by the plaintiff are, therefore, wholly unfounded. From all which it is perfectly clear, that this act incorporating *The Potomac Company*, has neither given nor reserved to this plaintiff, or to any proprietor of land, any shadow of right, independently of any express agree-

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(a) *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.—(b.) 1 Ev. Pothier Ob. 472; 2 Ev. Pothier Ob. 119; 4 Stark. Evi. 1234.