Besides these attacks, the light troops of the two armies were engaged throughout the 27th; and the 4th Portuguese Lacadores, and the 1st and 16th regts. directed by brig. gen. Pack, and commanded by Lieut. Col. de Rego Bonito, Lieut. Col. Hill, and Maj. Armstrong, shewed great steadiness and gallantry. The loss sustained by the enemy in his attack on the 27th has been enormous. I understand that the Gen. of Division Merle and Gen. Maucun are wounded, and Gen. Simon was taken prisoner by the 52d regiment, and three Colonels, 33 officers and 250 men. The enemy left 2000 killed upon the field of battle, and I understand from the prisoners and deserters that the loss in wounded is immense. The enemy did not renew his attack, excepting by the fire of his light troops, on the 28th, but he removed a very large body of infantry and cavalry from the left of his centre to the rear, from which I saw his cavalry in march on the road which leads from Martagoa over the mountains towards Oporto.

Having thought it propable that he would endeavour to turn our left by that road, I had directed Col. Trant, with his division of militia, to march to Sardao, with the intention that he should occupy those mountains, but unfortunately he was sent round by Oporto by the Gen. Officer commanding in the North, in consequence of a small detachment of the enemy being in possession of St. Pedro de Sal; and, notwithstanding the efforts, which he made to arrive in time, he did not reach Sardao till the 28th at night, after the enemy was in possession of the ground.

As it was propable that in the course of the night of the 28th the enemy would throw his whole army upon that road by which he could avoid the Sierra de Busaco and reach Coimbra by the high road to Oporto, and thus the army would have been exposed to be cut off from that town or to fight a general action on less favourable ground; and as I had reinforcements in my rear, I was induced to withdraw from the Sierra de Busaco. The enemy did break up in the mountains at 11 at night of the 28th, and he made the march expected. His advanced guard was at Avelans, in the road from Oporto to Coimbra yesterday; and the whole army was seen in march through the mountains, that under my command, was already in the Low Country, between the Sierra de Busaco, and the sea; and the whole of it with the exception of the advanced guard, is this day on the left of the Mondego.

Although from the unfortunate circumstances of the delay of Col. Trant's arrival at Sardao, I am apprehensive I shall not succeed in effecting the object which I had in view in passing the Mondego, and in occupying Sierra de Busaco, I do not regret my having done so. This movement has afforded me favourable opportunity of shewing the enemy the description of troops of which this army is composed; it has brought the Portuguese levies into action with the enemy for the first time in an advantageous situation;—and they have proved that the trouble which has been taken with them, has not been thrown away, and that they are worthy of contending in the same ranks with the British troops, in this interesting cause, which they afford the best hopes of saving.

Throughout the contest upon the Sierra, and in all the previous marches, and in all those which we have since made, the whole army have conducted themselves in the most regular manner. Accordingly all the operations were carried on with ease, the soldiers suffered no privations, have undergone no unnecessary fatigue, there has been no loss of stores, and the army is in the highest spirits. I have received, throughout the service, the greatest assistance from the General and Staff officers. Lt. Gen. sir Brent Spencer, has given me the assistance which his experience enables him to afford me, and I am particularly indebted to the Adjutant and Q. M. Gen. and the officers of their departments, and to Lieut. Col. Bathurst, and the officers of my personal Staff—to Brig. Gen. Howarth, and the artillery, and particularly to Lieutenant Col. Fletcher, Capt. Chapman, and the officers of the royal engineers. I must likewise mention Mr. Kennedy, and the officers of the Commissiriat, which department has been carried on most successfully.

I should not do justice to the service or my own feelings, if I did not take this opportunity of drawing your lordship's attention to the merits of Marshal Beresford. To him exclusively, under the Portuguese government, is due the merit of having raised, formed, disciplined and equipped the Portuguese army, which has now shown itself capable of engaging and defeating the enemy. I have, besides, received from him, upon all occasions, all the assistance which his experience and abilities, and knowledge of this country, have qualified him to afford me.

The enemy has made no movement in Estremadura, or in the northern provinces, since I addressed your lordship last. My last accounts from Cadiz are of the 9th inst. I enclose a return of the killed and wounded of the allied armies in the course of the 25th, 26th, 27th and 28th inst. I send this dispatch by my aid-de-camp, capt. Burgh, to whom I beg to refer your lordship for any further details, and to recommend him to your lordship's notice.

I have the honor to be, &c.

WELLINGTON.

The precise loss of the British army is 97 killed and 434 wounded—of the Portuguese, 90 killed and 512 wounded. The dispatches state, that the enemy is now in possession of no more ground in Portugal than his troops occupy.

The loss of the French in killed, wounded and prisoners, is stated at 10,000, some accounts say 15,000. The British cavalry had not been engaged, but it is reported they had got betwixt the French army and Almeida.

In addition to the foregoing, private accounts state, that before the Gleaner had sailed for England, it was reported that the French had been so pressed with the pursuing army, that 16,000 men with one General and 37 officers, had surrendered; and it was also rumoured that the French had no bread for two or three days previous to the action.

Legislature of Maryland.

HOUSE OF DELEGATES.

FRIDAY, NOVEMBER 16.

On motion by Mr. Mackubin, leave given to bring in a bil, entitled, an act to authorise a lottery to raise a sum of money for repairing the Protestant Episcopal Church, in the City of Annapolis: referred to Messrs. Mackubin, R. Hall and Boyle.

On motion of Mr. Perry, leave given to bring in a bill to reduce the per diem of the judges and clerks of elections in Allegany county: referred to Messrs. Perry, Hilleary and A. Brown.

Mr. Bland delivered a petition from John Carruthers, of the city of Baltimore, praying a special act of insolvency: referred to Messrs. Bland, Dorsey and Harryman.

On motion by Mr. Moffit, leave given to bring in a bill to change the place of holding elections in the third election districts of Cecil county, and for other purposes: referred to Messrs. Moffit, Physic and Groome.

On motion by Mr. Bland, leave given to bring in a bill to repeal the act incorporating the stockholders in the Union Bank of Maryland: referred to Messrs. Bland, Harryman and Bowie.

Mr. Jackson delivered a petition from Daniel Bollard, late sheriff of Somerset county, praying further time to complete his election: referred to Messrs. Jackson, Baily and A. Jones.

On motion by Mr. Dorsey, ordered that the committee of grievances and courts of justice, before they proceed to the examination of testimony under the resolutions recommending the removal of Zebulon Hollingsworth and Thomas Jones, esqrs. associate judges of the sixth judicial district, cause notice to be given to the said judges of the time and place of their meeting—and that they have the liberty to appear either in person or by counsel, and cross-examine the testimony exhibited against them, and produce evidence in vindication of themselves from the charges contained in the said resolutions, & that the committe reduce to writing the testimony offered.

Saturday, November 17.

The bill for the support of William Clarke and his helpless family, of Worcester county, was read the second time and passed.

On motion by M. Belt, leave to bring in a bill to confirm an act passed at November session, 1809, entitled, "an act to alter and abolish all that part of the constitution which prevents certain citizens of Annapolis to vote for delegates for Anne-Arundel county.—Ordered that Mr. Belt, Mr. Warfield and Mr. Marriott, be a committee to prepare and bring in the same.

Mr. Archer delivered a petition from John Norris, of Harford county, praying for a compensation for damages done by a road running through his land—which was read and referred to Messrs. Archer, Forwood, and Street.

Mr. Gaither delivered a petition from Henry Locke, a revolutionary soldier, praying relief—which was read and referred to Messrs. Gaither, A. Jones and Owen.

Mr. Moffitt delivered a petition from Mr. James Campbell, of Cecil county, praying that him and his family may be permitted to live in the jail of said county—which was read and ordered to lie on the table.

The bill for the benefit of the people of Kent county called Quakers, was read the second time, and passed.

The report in favor of Frederick Green was read the second time, and the resolution therein contained assented to.

Monday, November 19.

The speaker laid before the house a letter from the Treasurer of the Eastern Shore, with enclosures;—which was read.

Mr. Cockey delivered a petition from John Logsdon, and others, of Frederick county, praying to be compensated for damages sustained by a certain turnpike road running through their lands; Mr. Mackubin delivered a petition from Sarah Rimmer, of the city of Annapolis, praying a sum of money may be levied on Anne-Arundel county for her support; Mr. Bowles delivered a petition from Mountjoy Bayly, a revolutionary officer, praying commutation for half pay—and Mr. Eccleston delivered a petition from Thomas Ennalls, late sheriff and collector of Dorchester county, praying further time to complete his collection; which were read and referred.

The bill for the relief of Oliver R. Howell, was read the second time and passed.

The clerk of the senate delivered the following message:

Gentlemen of the House of Delegates,

The senate having a sufficient number of members to form a house, are ready to proceed to the business of the session, and propose to go into the choice of a governor immediately, and have appointed Stephen Lowry and Robert Bowie, Esquires, to join such gentlemen as may be appointed by your house in the examination of the ballots: Edward Lloyd, Esq. is put in nomination by the senate. Which was read.

On motion of Mr. Marriott the following message was sent to the senate:

Gentlemen of the Senate,

Your message we have received. We are ready to proceed to the choice of a governor immediately, and have appointed Mr. Marriott and Mr. Herbert, to join the members named by your house for the examination of the ballotts. No other person is put in nomination by this house than the gentleman named in your message.

The house having qualified, proceeded to the choice of a governor, and upon examining the ballots it appeared that Edward Lloyd, Esq. was elected, and accordingly declared Governor of the State of Maryland.

The clerk of the senate delivered the following message:

Gentlemen of the House of Delegates.

We are desirous of appointing a council to the governor, and therefore propose to go into the election this day at 12 o'clock; Messrs. Reverdy Gheselin, James Butcher, John Stephens, Thomas W. Hall, and George E. Mitchell, are put in nomination by this house.—We have appointed Mr. Lloyd Dorsey and Mr. Shriver, in conjunction with such gentlemen as you may appoint, to examine the ballots.

The speaker laid before the house a letter from the clerk of Anne-Arundel county court, relative to the attendance of the judge thereof; which was read and referred.

The several bills & resolutions passed and assented to, and sent to the Senate.

Mr. T. Dorsey and Mr. Bowie, from the senate, acquaint the speaker that the governor elect is attending in the senate room, and request his attendance with the members of the house of delegates, in the senate room, to see the governor qualify.

The speaker, attended by the members, went to the senate room, and saw his excellency qualify in the presence of both houses, and then returned and resumed the chair.

On motion of Mr. Swearingen, the following message was sent to the senate.

Gentlemen of the Senate,

We have received your message, and agreed to proceed immediately to the election of a council to the governor, and have appointed Mr. Swearingen & Mr. M'Pherson to join the gentlemen named in your message in the examination of the ballots. No person is named by this house in addition to those nominated by you.

The House having qualified, proceeded to the choice of a council to the governor, and upon examining the ballots it appeared, that John Stephen, James Butcher, Reverdy Gheselin, Thomas W. Hall, and George E. Mitchell, were elected, and were accordingly declared Council to the Governor.

Mr. Randall delivered a petition from Thomas Redding, of Baltimore county, a revolutionary soldier, praying for half pay: Mr. Boyle delivered a petition from John Murray, of the city of Annapolis, praying that the title of the State to the real estate of John Muir may be relinquished to him;—which were read and referred.

Tuesday, November 20.

Mr. Jump delivered a petition from Elizabeth Taylor, of Caroline county, praying a divorce; referred to Messrs. Willis and Bayard.

On motion of Mr. Bland leave given to bring in a bill to make valid defective manumissions of slaves; ordered, that Messrs. Bland, Archer, Boyle, Herbert and Bayley, be a committee to bring in the same.

Mr. Groome delivered a petition from sundry inhabitants of Cecil county praying for the establishment of a bank at Elkton; referred to Messrs. Groome, Physick and Moffit.

Mr. Bland delivered a petition from the yearly meeting of Friends held in Baltimore, praying that some additional provision may be made for the protection of free negroes; read and referred to Messrs. Bland, Martin and Boyle.

The house according to the order of the day, proceeded to the second reading of the report of the committee appointed to bring in a bill, entitled an act to provide for the election of the Levy Courts, by the people, and on motion by Mr. Herbert, the question was put, that the whole of the said report from the word "opinion" be stricken out for the purpose of inserting the following, to wit. That the proposition to place the election of the justices of the Levy Courts in the several counties of this State in the hands of the people, is strictly consonant with one of the cardinal principles upon which the Republican constitutions of America are founded, "That taxation and representation should be reciprocal" and is impressively advocated by the spirit of the 12th section of the Bill of Rights, in these words. "That no aid, charge, tax, burthen, fee or fees ought to be set, rated, or levied, without the consent of the Legislature." A respectable portion of the free and independent voters of Maryland have repeatedly and earnestly called the attention of the Legislature to this subject; both through the medium of their Delegates and by petitions laid upon the table of this house. It is understood that objections to the proposed change in the mode of appointing the Levy Courts derived from a novel constructions of the 48th section of the constitution and form of government are seriously urged and confidently relied upon. That this construction is novel and that it has been unequivocally discountenanced by the legislature, cannot be more fully manifested to the satisfaction of this house, than by a reference, amongst others, to the several acts of the general assembly, passed from the year 1789 to the year 1799 inclusive, appointing agents of the state, and declaring their duties—The periodical enaction of the act for the valuation of real and personal property, wherein the commissioners of the tax are appointed by the legislature—The act for the establishment and regulation of the Levy courts in the several counties in this state, passed in 1798, in which the legislature authorises and requires the executive to appoint and commission certain persons to be justices of the Levy courts, designates the body of men from which the appointment shall be made; and further gives power to the Levy courts so constituted to appoint collectors, judges of elections, &c. and the charters of the several banking institutions; in the direction of which, the legislature reserves to itself a participation, and elects the directors on the part of the state.

The construction therefore given by the General Assembly to the 48th section of the constitution and form of government, as evinced by the acts herein before enumerated, unquestionably is, that the said section does not operate so as to forbid the legislature to declare the mode in which certain officers subsequently created by law, and unknown to the constitution, shall be filled; or, if expedient, to fill them by an act of assembly. In this construction the courts of law have silently acquiesced, and this construction is supported by the proceedings of the House of Delegates upon this subject in 1808 and in 1809—wherein it will be found, that a bill for the election by the people of the justices of the levy courts in the several counties of this state, passed by large majorities.

The objection that justices of the levy courts are judicial officers within the meaning of the constitution, is wholly untenable. To obviate it, it is only necessary to remark, that it is not indispensably obligatory to elect justices of the peace to be members of the levy courts; and that the character of their duties neither embraces the exposition of the laws, nor the administration of justice.

Therefore *resolved*, that it is the sense of this house that the General Assembly of Maryland has a constitutional right and power to authorise by law the free and independent voters of this state to elect the persons who shall exercise the authority, and perform the duties confided to and enjoined upon the justicee of the levy courts in the counties of this state.

On the question being put the yeas were 25, and the nays 33—so it was determined in the negative.

The question was then put that the house concur with the said report, resolved in the affirmative—yeas 33, nays 25.

On motion by Mr. Bowie, leave given to bring in a bill to alter and abolish all such parts of the constitution and form of government of this state, as prevent the judges of the levy court from being elected by the people—Ordered, that Messrs. Bowie, Herbert, Bland, Physick and T. B. Hall, be a committee to prepare and bring in the same.

Mr Bland delivered a petition from Luther Martin, of the city of Baltimore, praying that it may be lawful for him to receive a loan at 8 per cent.—read, and referred to Messrs. Bland, Frazier and Martin.

The speaker laid before the house a letter from the Register of Wills of Anne-Arundel county, enclosing a list of fees properly chargeable; read and referred to the committee appointed to bring in a bill for the regulation of officers' fees.

On motion by Mr. Dennis, leave given to bring in a bill, entitled "An act to appoint by the people, judges of elections in the several counties in this state"—referred to Messrs. Dennis, Hilleary, and Archer.

The bill to confirm an act passed at November session, 1809, entitled "An act to abolish all such parts of the constitution and form of government as require a property qualification in persons to be appointed, or holding offices of profit or trust in this state, and in persons elected members of legislature, or electors of the senate"—was read the second time, and passed—yeas 48, nays 9.

On motion by Mr. Boyle, leave given to bring in a bill respecting sheriffs' bonds;—referred to Messrs. Boyle, Brooke and Archer.

Mr. Barber delivered a report of the trustees of Charlotte Hall school; read and referred to Messrs. Barber, Neale, Herbert, Gardiner and Archer.

Mr. Mackubin delivered a bill, entitled "A supplement to the act to authorise a lottery to raise a sum of money for repairing the protestant episcopal church in the city of Annapolis;" which was read.

Wednesday, November 21.

Mr. Schley delivered a petition from Richard Butler of Frederick county, praying to be allowed the depreciation of pay due him as deputy quarter master: referred to Messrs. Schley, Brooke and Swearingen.

Mr. Bland delivered a bill, entitled, "an act relating to servants and slaves"—which was read.

The speaker laid before the house a letter from the clerk of Baltimore county, relative to the attendance of judges, and the number of suits dismissed or disposed of:—read and referred to the committee of grievances and courts of justice.

The clerk of the senate delivered the bill for the benefit of Elizabeth Coale, of Baltimore county, and the bill for the relief of Elizabeth Fling, of Allegany county, severally endorsed "will pass with the proposed amendments," were read, agreed to, and the bills ordered to be engrossed.

Mr. Martin delivered a bill to annul the marriage of George Kock and Juliana his wife.

Mr. Welsh delivered a bill for the encouragement of Thomas Murphy, of Kent county, to establish a woollen factory—which was read.

On motion by Mr. Handy, leave given to bring in a bill to regulate the inspection of lumber; referred to Messrs. Handy, Herbert and Jackson.

Mr. Randall delivered a bill for the relief of Philemon Towson and Sebastian Goff—which was read.

Mr. Marriott delivered a petition from Vachel Burgess, of Anne-Arundel county, a revolutionary officer, praying a sum of money equal to four years full pay as a captain;—referred to Messrs. Marriott, Belt and R. Hall.

Mr. Bland delivered a bill for the benefit of Luther Martin, of Baltimore—which was read.

On motion of Mr. Bland, ordered, that the bills to incorporate the Franklin Bank, the Marine Bank, the Commercial and Farmers' Bank, and the Farmers' and Merchants' Bank, have a second reading on the 30th inst.

Thursday, November 22.

Mr. M'Pherson delivered a petition from William Bruce, of Charles county, a revolutionary officer, praying that some provision may be made for him—read and referred to Messrs. M'Pherson, Rogerson and Neale.

Mr. Marriott delivered a petition from Gassaway Watkins of Anne-Arundel county, praying for half pay—which was read, and referred to Messrs. Marriott, Warfield and Belt.

The report of the committee on the memorial of Mountjoy Bailey, was read the second time; and the question being taken whether the house assent to the same, it was resolved in the affirmative—yeas 51, nays 9.

The Clerk of the Senate delivered the bill for the benefit of John Kraver of Frederick county, endorsed "will *not* pass;"—the bill for the benefit of the people of Kent county called Quakers—the bill for the support of William Clarke and his helpless family, of Worcester county—and the bill to establish the line between Frederick and Washington counties, severally endorsed "*will* pass;"—ordered to be engrossed.

The house, according to the order of the day, proceeded to the second reading of the bill concerning partitions, joint-right, and obligations; and, after some discussion, the question was put, on motion by Mr. Jackson, (of Somerset) that the further consideration of the same be deferred to the first day of *June* next, (amounting to a *quietus*) and carried—yeas 33, nays 24.

Mr. Randall delivered a petition from sundry inhabitants of Baltimore county, praying for a public road from the 18th mile-stone of the Baltimore and Yorktown turnpike road, at or near Cox's town:—read, and referred to Messrs. Randall, Martin and Bland.

On motion by Mr. T. B. Hall, ord-