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FOREIGN INTELLIGENCE.

New York, Dec. 9.

We announce to the readers of the Mercantile Advertiser, and the public the important intelligence that hostilities have commenced on the continent of Europe, between the Prussian and the French; and that after nine days successive and successful fighting, in which the Prussians were defeated with dreadful carnage, the Emperor of the French has arrived with his victorious army before the city of Berlin. The duke of Brunswick, Prince Ferdinand of Prussia, the Prince of Hohenlohe, and many other officers of rank, are said to be amongst the number of those who in French Parisecology "have bitten the dust."

We are indebted for the detail of these events to the arrival at this port of the ship Eugenia, captain Boden, in 37 days from Amsterdam, who furnished us with a file of Dutch papers to the latter end of October, and of London papers to the 27th.

From these papers we have selected from amongst many others, equally interesting, the following very important articles:

Translated for the Mercantile Advertiser.

HAGUE, Oct. 27.

Last night his excellency the Secretary of State received the important intelligence, that hostilities have commenced between the French and Prussians; and that repeated and desperate engagements have already taken place between the two armies. Fortunately, however, the result of them has proved favorable to the arms of France. Prince Lewis Ferdinand, brother of the King of Prussia, who, on one of the above occasions commanded in person, is killed; and the further advantages over the enemy on the first occasion, consist in a considerable number of prisoners of war and 32 pieces of cannon.

JENAS, *Oct. 15—5 o'clock, A. M.*

The battle of Jenas fought yesterday is one of the most remarkable in history.

The Prussians amounted to the number of 150,000; they lost 200 pieces of cannon and 30 stand of colours, besides 28,000 prisoners of war. The duke of Brunswick and gen. Von Ruchel are killed. Prince Henry of Prussia is badly wounded. A great number of generals, besides many officers of rank, are wounded. The loss of the French army is comparatively infinitely less; yet we have in the hospitals of Jenas 1200 wounded, and in those of Naumburg 1500; there is no other general killed on our part than the general of brigade, Billy, a brave man. The French army have acquired great glory.

Marshal Davoust, who was stationed in the narrow passages of Koefen and before Naumburg, left the enemy no time to tarry; he fought the whole day, and threw more than 60,000 men into confusion, which were commanded by Mollendorff, Kaekruth, and the king in person.

The queen of Prussia was pursued by a troop of horse. She was obliged to take shelter in Weimar, and three hours before our advanced posts arrived there, she had fled; she took a road which was full of our troops, and it is therefore very likely that she has been overtaken.

Our troops reached Weimar in the evening, pursuing the rear guard of the enemy on the left flank; on the left marshal Davoust pursued them as far as Neustad—his head quarters were at Etkardsburg this morning. It is supposed that the enemy is endeavoring to collect his forces on the side of Frankerhousen in order to reach Magdeburg. The enemy must have suffered a terrible loss, which will not be ascertained until late. Six of their generals are prisoners of war besides a great number of colonels.

GERA, *Oct. 13.*

The battle of Schleitz, which opened the campaign, and was very unfortunate for the Prussian army, and of Saalfeld, which was fought the following day, have occasioned a great depression of the enemy's spirits. All the intercepted letters say, that the same sensations prevailed at Erfurth, where the king and queen, and duke of Brunswick still are; and that they are continually consulting what line of conduct to adopt. But while they consult, the French army advances.

HAMBURG, Oct. 21.

The queen of Prussia arrived at Berlin on the 17th, and on the day following departed again for Stetten; or, according to other accounts, for Custrin.

The French seem to have taken particular pains to mark the Prussian officers, by which a great number of them were killed, and the confusion which finally resulted from it.

MAGDEBURG, Oct. 11.

The battles which were fought on the 14th, 15th, and 16th inst. near Weimar, Kosin and Naumburg, have annihilated the Prussian army; and yesterday the army of reserve, under Prince Eugene of Wirtemberg, was defeated by Marshal Davoust, between Lauchstadt and Halle. The French are before Halle, and will probably to-morrow visit our city, which is full of confused military. Yesterday the king arrived here, but set out again for Berlin, and at this moment an adjutant of general Count Tauenzien is passing thro' this city for Weimar. Orders have been sent to Hamburg to detain all shipping bound from there to this port.

JENA, Oct. 15.

The battle of Jena has erased the shame acquired by the battle of Rosback, and thus in 7 days determined a campaign, which has quenched the dreadful thirst for war, that tormented the court of Prussia.

The position of the army on the 13th inst. was as follows. The Duke of Berg and Marshal Davoust stood with the corps at Naumburg, having divisions of their troops at Leipzick and Halle.

The corps of the Prince Ponte Corva was on its march for Naumburg, and that of Marshal Lannes was posted at Jena while the corps of Augereau was stationed at Kahla, and that under Ney at Roda.

The head quarters were at Gera. The French Emperor was on his march for Jena.

The corps of Marshal Soult was on its march from Gera to take a nearer position where the roads from Jena and from Naumburg meet.

The enemy's army was posted as follows:—The King of Prussia commenced his operations on the 9th October by advancing his right wing for Frankfort, his centre for Wurtzburg, and his left wing for Bamberg. All the divisions of his army were prepared for the execution of this plan; but the French army, turning his left wing, was in a few days posted at Lobenstein, Schistz, Gera, and Neumburg.

The Prussian army being turned, fixed on the days of the 9, 10, 11, and 12th, to concentrate his divisions, and on the 13th the whole army presented itself in order of battle between Cappelsdorff and Auerstadt to the amount of nearly 150,000 men.

On the 13th at 2 o'clock P. M. the emperor returned at Jena and from a small hill occupied by our advanced posts viewed the positions of the enemy who seemed to manoeuvre, for the purpose of forcing on the next day the narrow passage of the Saal. The enemy made a most obstinate resistance on the road leading to Jena and Weimar. Davoust was ordered to turn him in flank while the prince Prato Corra was separated to attack him in the rear.

The emperor collected the whole force of Marshal Lannes on the above hill in order of battle.

The troops of gens. Ney and Soult, marched the whole night. A thick fogg obscured the following day and the emperor guarded the infantry against the formidable attacks of the Prussian cavalry. The riflemen commenced the action and the fire of musketry was brisk. Good as the position of the enemy was he was dislodged from the same and the French army formed in order of battle in the vallies.

The enemy only waited for the fog to disperse to commence a general action. A division of 5000 men intended to take the defiles of Hoesen, and to cover Naumberg, but was prevented by Marshal Davoust. The two other divisions, 80,000 men in number together drew up in order of battle in front of the French line.

The fog covered both armies for the space of two hours, but when it cleared up, the two armies had a view of each other at the distance of a cannon shot.

The enemy's army was numerous & exhibited a handsome body of cavalry; his manoeuvres were executed with exactness and swiftness. Having made an advance on our left wing marshal Augereau was charged to throw him back again, and in less than an hour the attack was general. 250,000 to 300,000 men with 7 or 800 pieces of cannon spread death every where before them, and exhibited a very rare spectacle. The emperor always kept a strong body of reserve with him, besides his imperial guard.

At this interesting crisis a division of the French cavalry arrived also, and formed a line of battle in reserve in conjunction with the above. The whole body now advanced, and together with the main body, soon threw the enemy into confuſion. The same took post again, but was completely thrown into confusion by a fresh attack from the Duke of Berg, with his heavy horse and dragoons.

The reſult of the battle was the taking of 30 or 40,000 priſoners, 25 or 30 ſtand of colors, 300 pieces of cannon, beſides magazines and ſtores.

The enemy is ſuppoſed to have loſt 25 or 30,000 killed and wounded. General Mollendorf and Prince Henry of Pruſſia are wounded; the duke of Brunſwick and general Ruchel are killed.

Our loſs is eſtimated at 1000 or 1100 dead and 3000 wounded. The duke of Berg has at this moment encloſed Erfurth, which is garriſoned by a corps of the enemy, commanded by Mollendorf and the prince of Orange.

NUREMBURG, Oct. 18.

A great number of French wounded ſoldiers have arrived at Baireuth, and many hoſpitals are eſtabliſhed here.

A letter from Amſterdam, dated the 29th Oct. ſays "The war with Pruſſia is at an end, & the French, are at Berlin. In nine days, an army of 150,000 men have been deſtroyed, and a kingdom taken, I think great operations are ſtill to be carried on.

From a London paper of Oct. 27.

It is with very great concern that we are obliged to check the pleasing expectations that were entertained yesterday of the success of the Prussian army. The accounts which were circulated in the Sunday papers, and received with such a natural avidity, related merely to the two wings of the respective armies. The engagement which followed between the main body has, we fear, terminated to the advantage of the French.

This intelligence has been communicated in a dispatch from lord Morpeth. His lordship mentions that the action, which took place on the 14th inst. was most severely contested. The Prussians sustained very great loss. The duke of Brunswick was wounded, and had been taken to Magdeburgh. His Prussian majesty is stated to have had two horses shot under him. These are the only particulars which have reached us.

The following are the circumstances which appear to have led to this general engagement, as extracted from the Hamburgh mail, due on Wednesday, which arrived yesterday morning:

Hostilities, as it has been before stated, began on the 9th inst. but no affair of importance took place until the 10th or 11th, when a very warm action was fought at Saalfeld. Prince Louis Ferdinand, who commanded an advanced corps of the left wing of the Prussian army, was stationed at that town to defend the passage of the Saal. His orders, it is said, were to maintain his position to the last extremity, for the purpose of affording the prince of Hohenloe an opportunity of executing a bold movement which he had planned against the right wing of the enemy. Prince Louis bravely performed his duty, defending the bridge during the greater part of the day against a force three times more numerous than his own; he had only 6000 men under his command, & the French were estimated at 20,000. In the end, however, the enemy prevailed. Prince Louis was killed, the passage of the Saal forced, and the Prussians compelled to retreat, with the loss of several men, and some cannon. These are the most authentic particulars which we have been able to extract from the mail respecting the result of the first affair, which was produced by an attempt of the French to turn the right wing of the Prussians, & destroy the considerable magazines which they had formed at Naumberg.

The enemy, encouraged by this first success, pressed forward with their characteristic impetuosity, which bro't on an action, in which it appears that a large proportion of the respective armies was engaged. We cannot, from the accounts brought by the mail, ascertain the day on which this battle was fought, but the result of it is stated to have been decidedly in favor of the Prussians. Upwards of 20,000 French are reported either to have fallen in the field, or to have been made prisoners. The official account had not reached Berlin when the post for Hamburgh left that city, but the fact is placed beyond all doubt, by a short note which was received from her Prussian majesty.

During the confuſion incidental to ſo general an affair, attended with ſuch conſequences, a ſmall corps of French cavalry, which was ſeparated from the main body, penetrated to Leipſic—and employing a very allowable ruſe de guerre, ordered quarters to be provided for ſeveral thouſand men, and exacted a ſmall contribution from the town. This was on the 12th; it may be, therefore, preſumed, that the action in which the Prince of Hohenlohe was ſo ſucceſsful, was fought early on that day. It is probable that a ſeries of actions took place to the 14th, when the general engagement was fought, the reſult of which has been unfavorable to the Pruſſians.

Sixty thouſand Ruſſians are ſaid to have entered the Pruſſian territory. If they have advanced as far as Sileſia, they may prevent the French from following up their ſucceſſes; if they have only entered South Pruſſia, we fear they will not reach Saxony in ſufficient time to enable the Pruſſians to maintain poſſeſſion of that country.

His Prussian majesty addressed a proclamation to his army, the same day on which his manifesto was published. It has all the energy and spirit of that admirable composition. Every circumstance, every sentiment which could excite the enthusiasm and increase the ardor of the army, is compressed into this vigorous appeal to its loyalty and heroism.

An Austrian Courier, who arrived yesterday morning from Vienna, met at Dessau a Prussian officer on his way to Berlin, who had been sent from the army with the intelligence, that after different affairs of posts, in one of which Prince Louis Ferdinand lost his life, Prince Hohenloe, by a well planned manoeuvre, succeeded in cutting off 26,000 men from the main French army, the greater part of whom were made prisoners. Preparations were making at Magdeburgh to receive 6000 of them. The affair took place near Jena.

CONGRESS.

HOUSE OF REPRESENTATIVES.

THURSDAY, DECEMBER 11.

SPEECH of MR. CLOPTON, on the amendment proposed by him to the Constitution, on the 11th of December.

MR. CLOPTON—Mr. Speaker—I take this opportunity, when the attention of the House is not occupied on any particular subject, to submit a resolution, the subject matter of which I consider to be of very great importance. Before, however, I introduce to the notice of the House any specific proposition, I would observe that, when the subject shall be dicussed (if discussed at all) I apprehend that it may meet with some objection on a general ground, on which most probably objection would be raised against any measure whatsoever of the nature of that which I am about to propose. If the ideas I entertain of its expediency arose merely from my own speculative views of the proposition and the subject with which it is connected, however clearly I might be convinced of that expediency, I might nevertheless distrust the propriety of such conviction, so far at least as not to be induced thereby merely of itself to bring forward the proposition: but a conviction scarcely susceptible of any distrust at all and far more impressive on my mind—a conviction, which has resulted from experience, induces me to offer the proposition; and in doing so I feel much more of duty than of any other impulse.

The proposition, which I have thus deemed it my duty to submit to the consideration of the House, might appear sufficiently expedient in consequence of certain measures adopted some years ago, had no subsequent circumstance enlarged the evidence of its expediency; but recent, very recent circumstances present themselves to my mind as additional proof of that expediency. Sir, in the instances I have alluded to we have witnessed a striking exemplification of the truth of that maxim, which ascribes to experience a standard the least fallible of any by which human institutions can be tested. It is from experience only that defects are often discovered in the wisest of establishments. This unfolds the latent sources of evil, which could not have been traced by the most penetrating foresight. The efforts of genius, however, great, and of patriotism, however pure cannot always secure the ends they propose. Means apparently infallible are found either to be inadequate to the ends, or to contain within themselves the very instruments by which they are defeated. Imperfections overlooked and believed not to exist, 'till experience rends the veil, are then disclosed and glare before us. And, sir, amongst all the institutions of men there are none, perhaps, in which their defects generally lie so much enveloped, as in those of a political nature until they are thus disclosed.

I have said that I anticipate some objection upon a ground, on which most probably, objection would be raised against any measure whatsoever of the nature of that, which I am about to submit to the consideration of the House. Should this, however, be the principal ground of opposititon, if the object of the proposition should be deemed desirable, that ground, I might reasonably presume, will be abandoned as untenable.

I have been led, sir, to conjecture that opposition of the nature of that, which I have suggested, might be expected from recollection of a former occasion when an amendment to the constitution of the United States was under discussion. On that occasion the House was admonished against innovation, as it was called, and solemnly advised on no account whatsoever to touch the constitution. This was done although the proposed amendment had been long promulgated to the American people; although the public sentiment had been clearly ascertained to be in its favor, and although eleven successive amendments had been introduced into the constitution without a shadow of inconvenience or the smallest degree of disturbance to the public tranquility. Had the constitution been adopted without any provision for future alterations, and none were attainable but by immediate resort to revolutionary principles, opposition made upon that ground would then indeed merit serious notice. But a provision wisely and completely guarding against every event of that sort, composes a part of the constitution. Fortunate provision! Happy Americans who enjoy the benefits of that provision! Who, when experience points out defects in their great political code, without a resort to first principles, without the smallest danger of those revolutions which shock and convulse other nations, with calm and tranquil serenity, may correct whatever needs correction, and ameliorate their system. Far from being dangerous, therefore, to introduce any amendment where it shall have been found by experience to be really expedient, the introduction of it will be a salutary step—may be the happy means of averting danger in future times, and of removing a source of evil which, were it to continue, might diffuse its streams through the whole *body politic*. Under this impression, and from a belief that a certain part of the constitution requires amendment, with permission of the House I shall introduce a resolution which has that for its object. The amendment, which is desired, will not, however, introduce any new principle into the constitution, nor any way increase the powers of the federal government, should it be adopted. The object of it is solely to secure an adherence to that fundamental principle which forms its true federal character. And because it is believed there have been deviations from that principle—that certain measures, which have been alluded to, were the offspring of a power not within the scope of that principle, but entirely without the sphere of the federal authority; because also the exercise of such a power was grounded on a peculiar construction given to one clause in the constitution the proposition now intended to be submitted, is of such a nature, that on the decision of it Congress will determine whether such a modification of that clause shall be proposed to the states as shall render it less susceptible of such construction. The clause, I mean, is the last in the 8th section of the first article of the constitution, expressed in these words —"to make all laws, which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this constitution in the government of the United States, or in any department or officer thereof." The construction, sir, which has been given to this clause in the cases alluded to was, that it conveys to Congress a right to make any laws whatsoever, which they should determine to be expedient for carrying into execution the powers enumerated in this section or in any other part of the constitution, whether such laws should have any sort of relation to or connection with any of those enumerated powers or not. Under this construction the ever to be execrated sedition act was passed; it was passed, as a measure expedient, necessary and proper for carrying into execution the said enumerated powers, with none of which powers had it any more connection than pitchy darkness has with the blaze of a meridian sun.

Such a latitude of construction at that time excited a considerable degree of alarm in the minds of those, who were impressed with a belief of its dangerous tendency. To them nothing could have been more desirable than such a correction of the clause as would have restricted the construction of it to limits merely commensurate with the powers expressly delegated; but the then existing state of things precluded every ray of hope that any attempt to obtain such correction at that time could be successful. A different state of things exists at present, it is true, and I hope there is no disposition to resort to a system of policy like that which dictated those measures. Yet it should be remembered there is a "tide"—there is a flux and a reflux in the affairs of men; and, although the political aspect, which was then gloomy and menacing, has disappeared; and we have perceived in place of it a bright and auspicious prospect; yet no one can ascertain how long will be its continuance. No human foresight can reach to all future times—to no human being belongs the keen, intuitive faculty of exploring every momentous event, which may take place in the course of a long succession of periods yet to come. Indeed, sir, I should utter no calumny on human nature, were I to say that the book of futurity remains completely shut from the view of the most inquisitive, the most penetrating eye, until each leaf successively opens and discloses its contents. What are our pre-conceptions of the events of any period before they actually come to pass? What are they more than conjectures? What more than mere expectations that certain effects