Fortieth Congress—Third Session.

[CLOSE OF YESTERDAY'S PROCEEDINGS.]

SENATE.—The amendments to the Constitutional Amendment were taken up for consideration.

Mr. Stewart withdrew his motion to insist, and moved that the Senate recede and agree to the amendment made in the House.

After considerable debate

Mr. Conkling moved to lay the Chair what the pending motion of the Senator from Nevada was.

The Secretary read the motion, merely a motion to recede from the Senate amendments.

Mr. Stewart said his motive was to recede and concur in the House proposition.

Mr. Sumner thought that, according to strict parliamentary law, the Senate, by receding from its own amendment, would adopt the House proposition.

Mr. Morton said the Constitution required that any constitutional amendment submitted to the States for ratification should have concurrence of two-thirds of each House, which requirement could not be evaded by any parliamentary trick.

Mr. Stewart said he confessed, discussion of rules, and the effect of a vote to recede, the President asked the Senator from Nevada (Mr. Stewart) to state exactly what his motion was.

Mr. Stewart—My motion is to recede from the amendment made by the House proposition by the Senate, and to agree to the House proposition.

Mr. Sherman—I call for a division of the question.

There was discussion of the question whether a vote to recede from the Senate amendment would effect a concurrence in the House proposition.

Mr. Hendricks asked the Chair to decide the question.

The President submitted the question to the Senate in this form: "Is the opinion of Senators, will a vote to recede pass the bill?" And it was decided in the negative.

The Senate then proceeded from its amendment to the original House proposition by the following vote:

YEAS—Messrs. Anthony, Cameron, Cattell, Chandler, Conkling, Corbett, Cragin, Drake, Edmunds, Ferry, Fessenden, Frelinghuysen, Harris, Howard, Kellogg, Morrill, Morgan, Morrill (Vt.), Morrill (Me.), Morton, Patterson, Pomeroy, Ross, Sherman, Stewart, Thayer, Trumbull, Van Winkle, Welch, Willey, Williams, Yates—35.

NAYS—Messrs. Abbott, Buckalew, Davis, Dixon, Doolittle, Fowler, Grimes, Hendricks, McCreery, Norton, Osborn, Patterson (Tenn.), Pool, Rice, Ross, Sanderson, Saulsbury, Sprague, Tipton, Vickers, Vickers, Warner, White, Wilson—23.

Mr. Morton thought it too late in the session for votes which the Senate had receded from its amendments, and then to appoint a committee of conference, when it could not agree. Some committee at 1 o'clock.

The Senate, after discussion, refused to concur in the House proposition by the following vote:

YEAS—Messrs. Anthony, Cameron, Cattell, Chandler, Cole, Conkling, Cragin, Drake, Ferry, Fessenden, Frelinghuysen, Harlan, Howard, Kellogg, Morgan, Morrill (Vt.), Morrill, Morton, Osborn, Patterson (N. H.), Pomeroy, Ross, Sherman, Stewart, Thayer, Van Winkle, Wade, Warner, Welch, Willey, Williams, Wilson, Yates—35.

NAYS—Bayard, Buckalew, Davis, Fowler, Hendricks, McCreery, Norton, Patterson (Tenn.), Saulsbury, Tipton, Vickers, White—15.

Hendricks—The House then proceeded to the consideration of the act supplementary to the act of February 21, 1861.

After considerable debate, the House proceeded to vote on the seven amendments pending.

Mr. Ingersoll had the rule read which forbids members interested in the result of any question to vote on it, and said he would leave the matter to the sense of members of the House.

The amendment offered by Mr. Price to the fourth section to increase the allowance of citizen to banks with capital not exceeding $200,000, not from $50 to $100 was rejected—yeas 50, nays 64.

The first, second and third amendments offered by the Committee on Banking and Currency, being merely formal, were agreed to.

Mr. Buckland's amendment, regulating bank circulation to the amount of $300,000 for small communities of less than 6 States, was rejected.

The amendment offered by Mr. Price to increase the maximum limit of national circulation to $200,000,000, was rejected.

The amendment offered by Mr. Coburn as a substitute for the fourth section was agreed to. Yeas, 74; nays 46.

A motion to reconsider the vote on Mr. Coburn's amendment was laid on the table—yeas 56, nays 54.

This made the section of the House, in substituting Mr. Coburn's amendment for the fourth section of the House bill.

Mr. Miller moved to lay the bill on the table, remarking that the adoption of the amendment destroyed the bill.

The motion was rejected—yeas 65, nays 102.

On motion of Mr. Griswold, the second section was amended by extending the time for those who are liquidating banks, of the amount of their circulation from thirty to twenty days after the passage of this act.

The amendment offered by Mr. Butler (Mass.), in reference to a special tax on bankers, was rejected—yeas 56, nays 87.

The amendment offered by Mr. Ingersoll was to strike out sections 2 and 4, and substitute other sections for them.

The House refused to order the yeas and nays on Mr. Ingersoll's amendment, and the vote was on a count by tellers, 84 to 38.

The question was next taken on Mr. Wood's amendment, and it was rejected—yeas, 10, nays 149.

Mr. Wood then moved that the bill and amendment be laid on the table. The motion was rejected—yeas 52, nays 78.

Mr. Wood moved to reconsider the votes and by the motion to reconsider on the table.

Mr. Ingersoll moved to lay the motion to reconsider on the table.

Pending the vote by yeas and nays, the hour of half-past four arrived, and the House took a recess till half-past seven, when a morning session to be for appropriation bills.

The bank bill comes up to-morrow on the motion to reconsider.

Evening Session—The House met again at half-past seven in Committee of the Whole, Mr. Ferry in the chair, and resumed the consideration of the Army Appropriation bill.

The question pending is the amendment offered by Mr. Butler (Mass.), for the reduction of the pay of the Lieutenant General, and the vice Army Appropriation bill.

Mr. Butler spoke in the amendment offered by Mr. Butler (Mass.), for the reduction of the pay of the Lieutenant General, and the vice Army Appropriation bill.

Mr. Ingersoll said he had spoken in the amendment. After speeches by other members, the House adjourned.

Pennsylvania Legislature.

[DECLARATION OF YESTERDAY'S PROCEEDINGS.]

SENATE.—Mr. Fisher introduced a bill annulling the marriage contract between Henry K. Kauffman and Louisa Kauffman.

Mr. Connell, one for the relief of Agnes S. Kennedy.

Mr. Brown, of Northampton, one allowing the Bethlehem Gas Company to mortgage their franchise to an amount not exceeding $100,000.

Mr. Cake, one to provide for the adjudication of certain military claims. This bill makes the Adjutant General, Auditor General and State Treasurer, a board to whom all claims for damages done to lands or tenements by the occupation of troops during the late war, shall be submitted, in the following cases: Claims of Berks County Agricultural Society, of Lancaster, of Philadelphia; of Jones' Hotel, Philadelphia; of A. J. Lechler and Wm. Bateman, of Philadelphia.)

A lengthy debate took place on Mr. Lowry's resolution to authorize the Committee on Education to investigate the affairs of the State Agricultural College, and particularly as to the misapplication of funds derived from the Agricultural scrip. The resolution was finally passed by 17 to 14.

Mr. Billingfelt offered a resolution requiring the Committee on General Judiciary to inquire and report as to the propriety of abolishing the civil code commission, or of reducing the expenses of the commission. In presenting the resolution, Mr. B. said he understood that one of the three commissioners, Messrs. Hall of Bedford, Dercickson, of Crawford, and McVeigh, of Chester), had not rendered any service. He thought the expenses, $6,000 a year, and he thought the expenses ought to be reduced or the commissioners required to attend to their duty. Adjourned until 3 P. M.

The afternoon session of the Senate was spent in the consideration of the revised tax laws of the State. The bill does not make any changes in existing laws, but merely embodies them all into one enactment.

Mr. Scarlight's bill, declaring coke, lime and crushed sand to be liable to the same taxes as coal as the product of mines, was considered, but not acted on. Adjourned.

HOUSE.—The resolution discharging the twenty-seven extra employes of the House, who had been appointed without authority of Act of Assembly, was finally disposed of by passage of a resolution for the discharge of the twenty-seven men, and by adding to it a section providing for their pay. (The Senate must concur in the resolution before it becomes operative.)

The House then considered the General Appropriation bill in Committee of the Whole and in the hour of adjournment.

Evening Session.—This session was devoted to the consideration of the General Appropriation bill in Committee of the Whole.

The President's Amnesty Proclamation.

The Judiciary Committee of the Senate, to which was referred the message of the President of the United States, communicating in compliance with a resolution of the Senate, the facts of the proclamation of the President, December 25, 1868, granting to extend pardon and full amnesty to a class of persons guilty of treason, etc., respectfully report:

It purports, by the will of the Executive alone, to extend amnesty and pardon to all who, by their making power, to grant, by general proclamation, "full pardon and amnesty for the offense of treason, and for all offenses committed by any person or persons in the late rebellion, to all traitors, with or without trial, and to all rights, privileges and immunities under the Constitution, etc.

The exercise of which power is asserted by the vice which the Senate had receded from its amendments, and then to appoint a committee of conference, which the Senate did appoint committee at 1 o'clock.

The Senate, after discussion, refused to concur in the House proposition by the following vote:

YEAS—Messrs. Anthony, Cameron, Cattell, Chandler, Cole, Conkling, Cragin, Drake, Ferry, Fessenden, Frelinghuysen, Harlan, Howard, Kellogg, Morgan, Morrill (Vt.), Morton, Osborn, Patterson (N. H.), Pomeroy, Ross, Sherman, Stewart, Thayer, Van Winkle, Wade, Warner, Welch, Willey, Williams, Wilson, Yates—35.

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The Insurrection in Cuba.

HAVANA, February 14.—[Special to New York *Herald*.]—The Insurgents have made their appearance in the district of Colon, under the leadership of Col. Jualard, a Mexican officer. In Cuaco Mountains 2,000 men are waiting the signal for revolt. There are other Mexicans officers in command of the insurgents in this district, and in other parts of the island. The Cuban Insurgents who were blockaded in the schooner Galvanic have been tried in the Matanzas Mountains, and escaped to Cienfuegos but gen. Dulce will probably commute their sentence, and send them out of the island to some distant colony.

The schooner has been declared a legal prize, of which judgment the British Consul has notified his government. He has also expressed the opinion that the captain and crew of the schooner will be released.

Commodore Trisdale to the 9th have been received. The American Consul there had joined the insurgents, and offered over his office to other person. The insurgents hold Tunis and have many Spanish prisoners. The wife of General Dulce will soon leave for Spain.

The Government has received intelligence of a rising in the vicinity of Matanzas. The rebels number over 300, and the greatest alarm prevailed there.

Senor Castillo, the Director of the Sulphur Bank, has been arrested, and the police are search-ing for other wealthy and respectable men.

HAVANA, Feb. 16.—The United States Consul having applied for passports for a number of citizens, the latter was arrested, and the Consul was informed the government could not recognize his right to apply for passports. The Consul has telegraphed to Washington, asking for prompt intervention of the Government to protect its citizens, and in case of refusal, tendering its resignation.

LAVEN.—General Dulce released a native of Cuba, who was arrested yesterday, on the ground his American naturalization papers

The Spanish Consul at Cienfuegos applied for a war vessel for their protection. An order has been received from Madrid that it was impossible to send them one at present.

The Cuban Junta in Paris is practically in a state of siege. Gen. Dulce has been urged to formally declare a state of siege, but it is as yet undecided. He, however, may issue a proclamation to that effect at any moment. Cuban and Spanish officers in Cuba are applying daily to be permitted to take refuge on board the flagship Contocoa, in which the Spanish should break out in the city and their lives be threatened.

Admiral Hoff has consented to take American residents to Key West.

An engagement between the insurgents in the jurisdiction of San Antonio, has arrived here. He reports that a party of insurgents, 300 strong, had invaded that district. The plantation hands fled, and the insurgents burned the cane fields, and ceased.

The plantation engineers have also fled hither from the Vuelta Abajo region and other parts of the island, fearing that they may be impressed into the military service.

A letter from Havana, dated 13th instant, says, the Cubans have raised the standard of revolt everywhere, and in Bayamo, Puerto Principe, and Santiago, and stopped the mails.

A despatch from Nassau, dated the 11th instant, reports that Spanish officers are pillaging the estates in the country. On the 9th inst., a detachment of troops commanded by Colonel Ramon Biro, burned the towns and returned the next day. Another detachment, mounted and armed, left Puerto Principe provisions are scarce, and the insurgents are dissatisfied with the treaty of peace between Puerto Principe and Neuitas are impassable, owing to heavy rains. A hundred soldiers are sick in the hospital at Neuitas.

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THE COURTS.

The Dempsey Murder

OYER AND TERMINER.—Before Judges Ludlow and Sharswood.—The following witnesses were called for the defence:

Mr. Hubbell, being sworn—I found John Maguire's knife in Eisler's planing mill on Tuesday; Donahue had been working in the mill fifteen months; Donahue asked me for the knife to fix his bookcase; I gave it to him; I had seen him have it before; I have frequently borrowed my knife.

Mr. Mann, being sworn—I found John Maguire's knife in Eisler's planing mill on Tuesday; Donahue had been working in the mill fifteen months; Donahue asked me for the knife to fix his bookcase; I gave it to him; I had seen him have it before; I have frequently borrowed my knife.

Cross-examined—I should think Dempsey was under the influence of liquor; he was not very drunk; I should judge Donahue was sober; Donahue seemed to be afraid of Dempsey; he showed his fear by getting away as quick as he could; he walked away; I concluded he was afraid because he turned over his office to the first one he could; he wanted to get away from a man who was standing in my way between them and me; I was not afraid of being struck.

Examination direct [knife shown]—This is my knife.

The defence closed.

Mr. H. B. Hagert, summed up the case, and was followed by S. D. Page. Mr. A. W. Hunt, Jr., summed up for the prisoner, and District Attorney Sheppard closed for the Commonwealth.

Judge Ludlow charged the jury.

The bill of indictment was handed to the jury at 9.35 P. M., and at 10.15 P. M. they returned a verdict of guilty of manslaughter.

Mr. Gross asked that the jury be polled, and each responded to the verdict as pronounced through their foreman.

The prisoner was remanded for sentence.

THE HERMAN HOMICIDE.—The Supreme Court yesterday refused the allocation applied for by counsel for the Commonwealth in the Gerald Eaton, who was convicted of murder of the first degree in killing Timothy Herman. As this is the court of last resort, and as they find nothing in the record worthy of reversal, the prisoner, as stated below, there is an end to Eaton's case, so far as the courts are concerned. The sentence of the court, the 25th inst. as the day for the execution of Eaton, is the extreme penalty of the law expires, the dread penalty will be inflicted by Sheriff Lyle, as commanded by the Supreme Court.

CITY BULLETIN.

THE CONTESTED ELECTION CASES.—Messrs. Wm. P. Mesick and R. M. Batturs, examiners in the contested election case of Kenyon vs. Mann, held another session yesterday afternoon.

Patrick Dunleavy testified—Resided in 821 Lombard street; did not vote at the last October election; (No. 706 on the list of voters.)

Mr. Hoy, for contestee, testified—Robert McLaughlin, No. 735 Lebanon street; is my son; on the 5th of October, 1868, I was at his house; he my husband is living, and is in California; he was in Philadelphia at the October election; I saw Laughlin but my son was in my house last October; I was in Philadelphia last October; I was 48 on the list of voters.

Cross-examined—Reside No. 706 Fallow street; have lived there seven or eight years; my son has lived there about two years; he moved away about the 5th of October; his wife is in the country; I was in the West and saw her; I was in Philadelphia last October; I was at my son's house on election day; I was at my son's house on the morning of the 15th; I was there when he went to serve it, but heard of the circumstance; I was there in case of write arising; I was there; they are generally served early in the morning; I was there; I was there to see to work; I was in the place of business; the officer who had the writ did not expose to me; he would be detained me; he was there serving the writ of possession.

Robert Dempsey, being sworn—I live at 706 Fallow street; I did not vote at the last October election; I did not take more than one ticket; I guess she was excited when she told me to go to the polls; my father went up stairs twice, I believe; he did not tell me what he was going up for; he did not ask me to go to the polls.

Cross-examined—The first time he only went up a few steps.

Examination direct—I did not want him to go up for fear there might be a fight; I was in a fight; but I did not hear him say anything about being sorry.

Mary Donahue recalled—We lived with the Dempsey nine months; went there shortly after my father; never know of any quarrel between my father and Dempsey in that time; we all lived peaceably as one family; I did not know anything of the trouble on Tuesday night; the landing at the door; I heard the noise; I was in bed; I heard my mother having most charge of it; Mrs. Dempsey only took charge of it when her family made dirt there. The witness repeated a portion of the evidence given in chief; I heard said she did not hear a struggle when she went behind the partition, as she was too much frightened.

On cross-examination the witness said that the book-rack, on which her father had been working, stood on a shelf in the middle of the room, and the candle on another shelf.

John Maguire, sworn—I am a carpenter; on the evening before the murder I saw Dempsey; I was at Eisler's planing mill and Chestnut streets; I first met Donohue between 7 and 8 o'clock; we went together to the corner, and Dempsey came up and said, "here is the dirty, cowardly ——" I told him he had frequently borrowed my knife.

STRANGE METEORIC APPEARANCE.—About 8 o'clock last evening a large body of unusual form and appearance was visible in the northeastern sky for many minutes. As described to us, it exhibits such a form as would be made by two small comets were joined together by the tails, and with the tails extending in a straight line in opposite directions, long and narrow, pointed at the ends and compressed in the centre, or it may be more popularly described as resembling a pair of shears, the two blades joined together at the handle ends, so as to be straight line. It appeared to be nearly stationary, and seemed to be suspended perpendicularly in the plane of the meridian. The light was a bright orange, approaching to a red color, and it grew more and more faint as it was observed by the clouds that soon after sunset the sky was overcast, and no more thought it was true of the meteors, and some others thought it is a freak of the planets of light, like feeble flashes of lightning; were seen for an hour or more.

STREET CLEANING.—Mayor Fox had an interview with the street-cleaning contractors yesterday. He stated to them that he had reports from the lieutenants of police of several districts as to the manner in which the streets are swept and cleaned, and neglect of duty on the part of the contractors. The Mayor thought it necessary to observe the contract, and requested them, as a condition of the streets and report him, and stated that the contractors exhibited no disposition to fulfil their contract. The Mayor said he would report the fact to Councils, and annul the contract.

The contractors said that the inclemency of the weather, and the wet condition of the streets, rendered it impossible to carry out the terms of contract. The Mayor said he would that they had made a contract to do the work, and the city was willing to pay for the work as soon as it was done to the satisfaction of the citizens.

ARREST OF ALLEGED THIEVES.—Two young men, who have been in the employ of Mr. Gerald Eaton, who was convicted of murder of the first degree in killing Timothy Herman, in the court of last resort, and as they find nothing in the record worthy of reversal, the prisoner, as stated below, there is an end to Eaton's case, so far as the courts are concerned. The sentence of the court, the 25th inst. as the day for the execution of Eaton, is the extreme penalty of the law expires, the dread penalty will be inflicted by Sheriff Lyle, as commanded by the Supreme Court.

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WALNUT STREET THEATRE. Sixteen nights only. THIRTEENTH NIGHT OF THE PARTHIAN ARROW. The Fairest of Fair Women. IRELAND AS IT WAS. RAGGED PATCH. Mr. BARNEY WILLIAMS. JUDY O'ROUKE. Mrs. BARNEY WILLIAMS. Terminating with the celebrated comedy of MARGERY. Mrs. BARNEY WILLIAMS. To conclude with the Irish drama of ARCHY LEE. FRIDAY—BENEFIT OF MRS. BARNEY WILLIAMS. Mrs. JOHN DREWS ARCH STREET THEATRE. Begins at 7½. THIS (THURSDAY) EVENING, February 18th, 1869. LAST NIGHT OF THE "SAME GAME." LAST NIGHT OF "BARBE BLEUE." By MME. JOHN DREWS. FRIDAY—LAST NIGHT OF THE HONEY MOON." SATURDAY—AS YOU LIKE IT. MONDAY—A YOUTH AT CHRISTMAS. TUESDAY—MARY AMBREE, THE ROYAL MAID OF ENGLAND. MISS SUSAN GALTON'S GIRARD STREET THEATRE. THIS (THURSDAY) EVENING, The Celebrated Comedy of THE HONEY MOON. Or, HOW TO TAME A WIFE. And Lindley Sporting Drama of THE FIRST RUN. FRIDAY—Benefit of MR. SIDNEY DRAYTON. SATURDAY—Benefit of MISS SUSAN GALTON. SATURDAY EVENING—First performance of the Comedy of The Parlor Tragedy. MISS S. STEBBLES'S FOURTH SOIREE OF THE Series of Musical Entertainments, THIS EVENING, at 8 o'clock. 528 ARCH STREET. The Programme consists of Duets, Trios, Quartets, Solos, Recitations, Etc., by Miss S. Stebbles, Mrs. Ida Vernon, Miss Lizzie Collis, Accompanist, Mr. Wm. Collis, Accompanist, Mr. Wm. Collis, Accompanist, Mr. Wm.