

COURTS.

Selecting the Jurors to Try the One Million Suit Against Tweed.

SIX OF THE JURORS CHOSEN.

A Decision of Interest to Bankers.

NEW YORK AND CUBAN PARTNERSHIP LAWS.

The court room of the Supreme Court, Circuit, was crowded yesterday, considerable interest being manifested in the process of selecting the jury to try the Tweed \$1,000,000 civil suit. Judge Westcott took his seat on the bench at half-past ten o'clock.

After some discussion as to the settlement of the form of exception taken by counsel to the decision of Judge Westcott overruling the challenge to the array of struck jurors, Mr. George Cabot Ward was called and examined. He said he had formed an opinion; he thought Mr. Tweed was guilty; he did not think it was his place to find out what Mr. Tweed was guilty of, he knew that Mr. Tweed had not run a ship on the beach at Nantuck, but believed that he had done something with the city and county of New York; he believed Mr. Tweed had taken money that did not belong to him, he formed his opinion from the fact that Mr. Tweed had been found guilty of an offense against the city; he could try this case impartially, however, notwithstanding his previous impressions. The witness went on to testify that it would require some evidence to remove his previously formed opinion; he believed that the judgment of a court was conclusive, and because Mr. Tweed had been declared guilty under the law, he believed he was guilty of whatever the law convicted him of; he thought it would require evidence to remove his impression of guilt, although he believed he could give a verdict according to the testimony; he didn't know whether he could go into the jury box with a presumption of Mr. Tweed's innocence, as he knew nothing about the merits of the case.

At this stage quite a lengthy discussion ensued, as to whether the juror was disqualified, he having said that it would take a considerable effort to remove his impression.

Judge Westcott finally decided that Mr. Ward was a competent juror. He thought the juror was a clear-headed man, and capable, according to his own statement, of trying the case impartially.

The field excepted the array of the Court, and challenged to the favor. The juror was asked whether he was indifferent to the parties. He said he was, but when asked whether he had anything against Mr. Tweed, or believed anything against him, he said he believed he was guilty of criminal action toward the city and county of New York. He had formed this impression from the fact that he had seen Mr. Tweed in a boat on the bay or feeling in the present suit, because he knew nothing about the merits of the case.

The witness was accepted as the fourth juror. To the next juror was called Mr. Felix Hale, who said he had formed a very decided opinion, and was excused.

After recross the proceedings were resumed. Mr. Anson T. Stokes, of the firm of Phelps, Dodge & Co., was examined. He stated that he was now living on Staten Island, but considered New York his residence.

Mr. Field submitted that the witness was not liable to jury duty.

Mr. Carter concurred, and Mr. Stokes was allowed to stand aside until the statute on the subject of residence was examined.

Mr. George H. Benn, broker, was next examined. In response to Mr. Field—He had formed an opinion that Mr. Tweed had defrauded the city and held the money, but he did not know that Tweed had committed any fraud in this case; he did not think that other all-trading houses were liable to jury duty.

In reply to Mr. Carter the witness stated that he had no personal feeling against Tweed.

To Mr. Field—formed an opinion that Mr. Tweed was guilty of dishonesty in regard to certain transactions with the city; that opinion would remain in my mind until something should occur to change it.

To Judge Westcott—If I entered the jury box as a sworn juror I could not divert myself from the duty of Mr. Tweed's dishonesty, but I don't see why that should have any influence upon me, as I would give a verdict according to the testimony.

After some further testimony the question as to the competency of the witness was laid over until the completion of the examination were written.

Mr. Courtland Lowry, iron merchant, was next examined. He said he had heard about Tweed and the money, but he had not been committed; he had formed only a general impression from the statements in the newspapers.

To Mr. Carter—My impression is not such as would interfere with me in regard to certain transactions with the city; my impression is not such as would interfere with me in regard to certain transactions with the city.

Mr. Field—Have you a bias against Mr. Tweed in this regard? I don't believe him to be a bad man.

Witness—No, sir; I would like to see the plaintiffs succeed.

To Mr. Carter—I desire that the plaintiffs succeed if they have justice on their side; I have no feeling of prejudice against Mr. Tweed, and I could go into the jury box perfectly indifferent as called, but asked.

Mr. Ezra M. Knapier was next called, but parties to be excused on the ground that he was compelled to attend the meeting of the Board of Indian Commissioners.

Mr. Emil Obermann, in reply to Mr. Field, said he had heard of Mr. Tweed and had formed a general impression in relation to the charges preferred against him.

In response to Mr. Carter the witness stated that he could enter the jury box as a juror and render an impartial verdict.

Obermann was accepted as the sixth juror.

Mr. John V. Caswell was next called, but was objected to by Mr. Field as having been declared "excepti" on the register. The Court remarked on this objection and adjourned until half-past ten o'clock this morning.

IMPORTANT TO BANKERS.

Judge Wallace, yesterday, in the United States Circuit Court, rendered quite an important decision in the case of Moore A. Kent, Assignee of the Corn Exchange National Bank, vs. the Dawson National Bank, of Wilmington, N. C. Kent sued to recover money on a draft sent for collection to the Dawson National Bank. The draft was drawn by W. M. Wall, of Washington, N. C., and was the property of the Corn National Exchange Bank, of Chicago. The draft was sent by mail to the Dawson National Bank, with instructions to collect and remit the amount of money it called for. The drawer of the draft lived 170 miles from the Dawson National Bank. When the latter received the draft, it was ordered that the bank had been credited with the draft. The defendant then sent the draft to Messrs. Burbank & Challinger, bankers, at Washington, N. C. They collected the draft, but failed to remit the money to the plaintiff, and the amount which the draft called for. Judge Wallace gave his decision yesterday, holding the defendants responsible, the following being his briefly written opinion in law.

I know of no exception to the rule that where one, as principal, contracts to build a duty toward another, he is liable for any default, whether on his own part or that of those to whom he delegates the duty. It is true that a bailee is not liable for the miscarriage of his agents or servants, except in the general cases where there is negligence, or where the act is one of ordinary care, and in selecting the agents this duty was fulfilled the implied contract is satisfied.

CUBAN LAWS ON PARTNERSHIP.

There was quite a lengthy argument yesterday in the Supreme Court, General Term, in the suit of Peter B. King and others against Domingo Sarrin, implicated with Pedro A. Gray and Manuel F. Lopez. The suit arose from a Cuba against the payment of sugar from Cuba. The suits were for the sum of \$100,000 and the sugar was never sent. It was found by the referee that the defendants owed in the transaction \$94,470.20 and the suit was dismissed. Mr. Sarrin is now in the hands of a partner and under the laws of Cuba not liable. In the argument yesterday it was contended that Sarrin was not treated, not having registered as a special partner, and that as the plaintiff resided here the case should be heard under the laws of this State. On the other hand it was claimed that the fact of Sarrin being a partner in Cuba, and the fact that the plaintiff and Sarrin were both citizens of Cuba, should be governed by the laws of Cuba. The Court took the papers, reserving its decision.

SUMMARY OF LAW CASES.

In the United States Circuit Court Emilio Gabes and Bernard Quinn were yesterday convicted of desisting a counterfeit bank notes. They were remanded for sentence.

There was yesterday brought before United States Commissioner Osborne George Burt, the steward of the brig Darius Eddy, upon the charge that he had stolen the stores of the brig. He was committed to await the trial of the Grand Jury.

Judge Lawrence yesterday dissolved the injunction removing the restraint on the publication of the paper known as "The Green." The injunction was obtained at the instance of the proprietors of a rival paper, "The

Century" where Judge Barrett, in Supreme Court Chambers.

Benjamin Jones brought suit against the Mutual Gas Light Company, claiming \$5,000 damages, through a writ of mandamus, for the recovery of property in a building on a stairway, while attempting to get in the office of the company. The case was tried yesterday before Judge Spier, of the Superior Court. The defendant was made responsible on the part of the company. The Court directed a verdict for the defendants.

The case of Lewis Stratum, tried before Judge Van Hoesen, of the Court of Common Pleas, a verdict was given yesterday for the plaintiff for \$5,082.50. Mrs. Lewis charges that defendant, having become her law agent, she was induced to transfer to him property in real estate and furniture in exchange for property in Vineland, which he retained to own unimpaired, when in reality they were encumbered with mortgages by himself, and she was left with nothing.

In October, 1872, Julius H. Hagen and F. W. Billings received from Herman Kupper \$1,200, with instructions to buy 100 shares of Chicago and Northwestern stock. The case was brought by Kupper for \$11,000, alleged value of the shares, the case being tried yesterday before Judge Moulton, of the Superior Court. The referee found in favor of the plaintiff for the value of various stocks, with the understanding that he should keep the margin up to ten per cent; that he failed to do this; that thereupon they sold out the stock, and that the other party shows that by their own money, and that a deduction should be made on that account. Case on.

The case of Emil Herold vs. Chester Arthur, Collector of this port, was brought up, before Judge Shipman, yesterday, for trial, in the United States Circuit Court. Herold has sued to recover damages, to the value of the cargo, for the loss of the stock which Collector Arthur claims that, according to an act passed in 1864, a duty of four per cent was levied upon chichory root and a duty of five per cent upon ground chichory, and that the other party shows that by their own money, and that a deduction should be made on that account. Case on.

Sometimes ago Mrs. Mary Clark left certain property to be divided between her three children, Robert H. Clark, Charles H. Clark, and John H. Clark. Robert H. Clark, Charles H. Clark, requested Mr. Waite, a lawyer, to raise money for him on a mortgage. Mr. Fletcher, attorney for one of the heirs, procured \$35,000 on the mortgage, and the other heirs, in receiving the title, as he alleges, and as a bonus, as Mr. Waite alleged, and Mr. Waite, on the representation of Mr. Fletcher, that it was a matter of form, allowed a mortgage and assignments were executed, and a certificate of an affidavit of Clark that there was no debt of usury to the mortgage. Subsequently Mr. Fletcher commenced proceedings to foreclose the mortgage, and Mr. Waite set up the defense of usury. He says there was an understanding that there would be no foreclosure, and that he never intended the defense of usury or any other defense, but considering Mr. Fletcher to be acting in violation of his agreement, and at his client's suggestion, he entered the defense of usury, and that he believed he was acting in violation of his agreement, and at his client's suggestion, he entered the defense of usury, and that he believed he was acting in violation of his agreement, and at his client's suggestion, he entered the defense of usury, and that he believed he was acting in violation of his agreement.

COURT OF GENERAL SESSIONS.

Before Judge Gildersleeve.

YOUNG HIGHWAYMEN.

James Henshaw, one of three young desperadoes who on the night of January 4 robbed Thos. N. Meyer, of No. 207 avenue A, of a watch chain, a ring, a locket and \$25 in money at Twenty-third street, near First avenue, was tried and convicted of highway robbery. It seemed that Mr. Meyer disposed of his business on that day and had been drinking with the man to whom he had sold. About ten o'clock he was on his way home. When he reached the place named he asked Henshaw, who was standing with two others, when he had been drinking with the man to whom he had sold the other two pined his arms behind and Henshaw went through his pockets, robbing him of the articles named. The other two were with him, and one of them took a pistol from his pocket and pointed it at the head with a blunt instrument, and the entire party took to their heels. The young rascals were caught a day or two later, and Mr. Meyer positively identified them. The case was brought by the State, by Assistant District Attorney Bell. The Court deferred the sentence of Henshaw till his companions shall have been tried.

A HOTEL THIEF CAUGHT.

Charles Gilmore entered the St. Denis Hotel on the 21st of December and acted in such a suspicious manner as to attract the attention of John Fitzpatrick, a porter, who finally tracked Gilmore up stairs and found him in room 76, with a handkerchief and a pair of gloves, the property of Mr. John A. Spooner, the occupant of the room, in his possession. He was arrested, and falling to offer a satisfactory explanation of his presence in the room Judge Gildersleeve sent him to State Prison for three months.

CAME DOWN WITHOUT FIRING.

John Keola, a lad of seventeen, pleaded guilty to an attempt at burglary on the premises of William Wirsing, No. 1,001 First avenue, on the 8th of November, and was thereupon sentenced to five years in State Prison.

GETTING THEIR DESKETS.

Frank Devere, who stole a buffalo robe from the carriage of Commissioner of Charities Thomas S. Brennan, was sent to State Prison for two years and six months.

ELIAS MCKNIGHT, WHO STOLE \$400 WORTH OF DRY GOODS FROM THE STORE OF THOMAS J. SMITH, NO. 442 WEST TWENTY-NINTH STREET, PLEADED GUILTY AND WAS SENT TO STATE PRISON FOR TWO AND A HALF YEARS.

MARY MEADE, A DENIZON OF GREENE STREET, CHARGED BY PATRICK MOORE, OF GREENWICH, CONN., WITH HAVING ROBBERED THE STORE OF THOMAS J. SMITH, NO. 442 WEST TWENTY-NINTH STREET, PLEADED GUILTY AND WAS SENT TO THE PENITENTIARY FOR THREE MONTHS.

FRANK SARTER, A CIGAR DEALER, OF NO. 18 CLINTON STREET, CHARGED WITH HAVING STOLEN \$3 FROM CARLO KAUFFMAN, A FRENCH JEWELRY DEALER, AT THE PLACE WHERE HE DEALS, PLEADED GUILTY AND WAS SENT TO THE PENITENTIARY FOR THREE MONTHS.

DECEASED.

SUPREME COURT—CHAMBERS.

By Judge Barrett.

Lawrence vs. Brown.—Motion granted on payment of \$100 costs, with costs.

Brown vs. Combination Wool Company.—Motion denied, without costs, and with leave to renew on further affidavits.

Devere vs. Jones.—Referred to Mr. Frank Rand to take proof of the facts stated in the petition and as to the compensation to which the special guardian is by law entitled.

Clark vs. Van Loan.—The proof of service should be properly copied and resworn.

Loughran vs. Lanocette.—Motion granted, with \$10 costs.

Champlain vs. Fox.—Allowance of \$50 for all costs, allowances and disbursements.

Barber vs. Knapp.—Motion denied, without costs. Memorandum.

Goulding vs. Felt.—Motion to continue injunction denied and temporary injunction dissolved, with \$10 costs. Memorandum.

Fisher vs. McClure.—Motion denied, without costs. Memorandum.

Boorman vs. Atlantic and Pacific Railroad Company.—Notice of motion has not been handed up.

Matter of Kingsbridge Road.—The proofs are defective. No Memorandum.

Matter of Opening Madison Avenue.—Memorandum.

Matter of Bokara and Matter of Sharp.—Report of referee confirmed and guardian appointed.

Blair vs. Blair.—Motion to set aside judgment granted.

Brinkerhoff vs. Green.—Defendant may interpose an amended answer in five days, on payment of \$10 costs. The plaintiff may, in the meantime, on short notice, cause a writ of habeas corpus to be issued for the plaintiff, at half-past ten o'clock A. M., for trial at Circuit. If the costs (\$10) are not paid within five days from this date motion to amend answer, with \$10 costs, will be granted.

By Judge Brady.

Lyles vs. Justice.—Order granted.

By Judge Lawrence.

American Grocer Publishing Company vs. Grocer Publishing Company.—Motion to continue injunction pendente lite denied. Opinion.

SUPREME COURT—SPECIAL TERM.

By Judge Westcott.

Gray vs. Green.—Allowance of \$500 made to plaintiff.

SUPERIOR COURT—SPECIAL TERM.

By Judge Sandford.

Fry vs. Marsh et al.—Motion denied, with \$10 costs. Opinion.

O'Connell vs. McDonald.—Motion to set aside subpoena denied, with \$10 costs. Opinion.

COMMON PLEAS—EQUITY TERM.

By Judge Van Brunt.

De Leyer vs. Wade.—Opinion.

TOMB POLICE COURT.

Before Judge Plummer.

ALLEGED SWINDLING.

Philip Schweser was yesterday arraigned at the above court on a charge of obtaining money under false pretences. The complainant was Henry V. Gabran, secretary and manager of the Provident Society, of this city, whose affidavit sets forth that in October last Schweser, by representing his ability to secure a number of persons in Poughkeepsie and elsewhere to become members of the Provident Society, was appointed an agent with the understanding that he was to receive twenty five per cent on each yearly premium. Schweser, according to the affidavit, secured a number of names of persons who were desired to become bona fide members of the association. He liquidated their monthly indebtedness for one year, and then disappeared, leaving the names of subscribers were genuine, paid Schweser his commission, amounting to \$500. The society, however, subsequently discovered that the prisoner had made false representations, and caused Judge Plummer to issue a warrant in default of \$1,000 to answer.

ARREST OF AN EX-CONVICT.

Charles Sharp, an old gray-bearded man, who is said to have been a confederate of the notorious confidence operator, Charles Tweed, was arrested on Wednesday by Detective Hagan, of the Fifth precinct, on suspicion. He was found negotiating the sale of three gold watches, and upon his arrest it was found that he had been in default of \$1,000 to answer.

deemed ample evidence to warrant his being taken into custody. It was also the belief of Captain Caffrey that Sharp had something to do with the robbery of one P. Gabriel, of Ferry, Me., in this city on December 10, 1875. The case was brought by the State to court, however, yesterday, there was no complainant appearing against Sharp, and he was discharged on his parole.

WASHINGTON PLACE POLICE COURT.

Before Judge Dixey.

ADULTERATED MILK.

The Board of Health is continuing its raid upon the milk dealers. Yesterday, upon complaint of Officer James C. Jepson, of the sanitary squad, and evidence of E. Waller, of the Health Department, the following persons were brought to the Court and charged with selling impure milk and gave bail in \$500 each to answer.—Peter Hynes, No. 278 Seventh avenue; Herman Sinniger, No. 604 Tenth avenue; Detrick Glasscock, No. 229 Westchester street; Wm. W. Baker, No. 75 Tenth avenue; Martin Brumming, No. 129 Ninth avenue; John Rohra, No. 522 Ninth avenue, and Frederick Hincken, No. 330 Eighth avenue.

KEEPING A DISORDERLY HOUSE.

Officer Slewin, of the Fifteenth precinct, appeared as complainant against Washington Dean, of No. 47 Fourth Fifth avenue, and twenty-three others, nearly all negroes, for keeping a disorderly house. The total number of arrests made by the police in the case was twenty-five, of which twenty-two were negroes. The officer heard them creating a great noise, but found no standing paragon, and a warrant was issued for their arrest. Judge Dixey fined them \$1 each for disorderly conduct.

ESSEX MARKET POLICE COURT.

Before Judge Fitzgibbon.

A DOG FIGHT.

Officer Braisted, of the Seventh precinct, on Wednesday evening made a descent on the premises of John Gullary, No. 73 Montgomery street, where a dog fight was in progress. He succeeded in breaking up the sport, and arrested a large number of spectators. The prisoners gave their names as follows: John Cochran, No. 229 Monroe street; John White, No. 252 Water street; Dennis McGowan, No. 30 Sheriff street; Matthew Manning, No. 44 Gouverneur street; Morris Fitzgibbon, and James Fitzgerald, No. 209 Westchester street; Peter Egan and William Watson, No. 61 Jackson street, Gullary, the proprietor of the premises, was held in \$1,000, and the others in \$500 each to answer.

POLICE COURT NOTES.

At the Tombs Police Court yesterday John Duff, of No. 30 Liberty street, was held to answer on a charge of selling tickets in the Kentucky lottery. The tickets, which were gotten up in elaborate style, offered the most tempting inducements to purchasers. Bail was fixed at \$1,000.

William O'Brien, a carman, of No. 13 Rector street, was held to answer in \$1,000 bail for being in concert with John Duff, of No. 30 Liberty street, in selling tickets in the Kentucky lottery. Bail was fixed at \$1,000.

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COURT CALENDARS—THIS DAY.

SUPREME COURT—CHAMBERS—Held by Judge Barrett.—Nos. 58, 59, 108, 114, 127, 164, 167, 202, 234, 308, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 99