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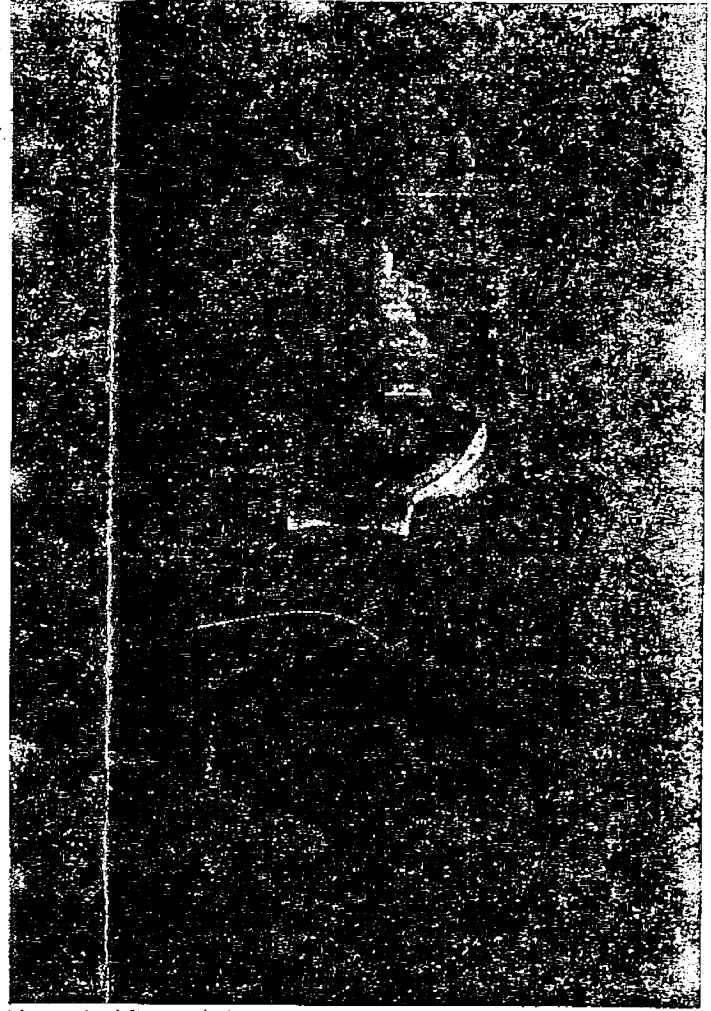
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JOHN HAZELTON COTTERAL
Born September 26, 1864—Died April 22, 1933

TRANSCRIPT OF PROCEEDINGS


In Memory of

John Hazelton Cotteral

BEFORE THE
Tenth Circuit Court of Appeals
MONDAY, JANUARY 8, 1934
OKLAHOMA CITY, OKLA.

PUBLISHED AND DISTRIBUTED BY
OKLAHOMA COUNTY BAR ASSOCIATION
1934

John Hazelton Cotteral
1934

 THE COURT was convened on the first day of the January, 1934, Term of this Court, the Honorable Robert E. Lewis presiding, Judges Phillips, McDermott, and Bratton sitting. Upon the opening of Court, Judge Lewis said:

These memorial services were not sooner held on account of the desire of Judge Cotteral's old friends and the Oklahoma Bar that they be held in Oklahoma City at a term of court, and this is the first term here since his death. The members of the Bar of Oklahoma were requested to arrange for preparation of resolutions and comment on the life and character of Judge Cotteral.

JUDGE CHARLES B. COCHRAN, president of the Oklahoma State Bar Association, will present the resolution passed by the Oklahoma State Bar Association.

JUDGE COCHRAN: May it please Your Honors: It is my honor to appear on this occasion as a representative of the State Bar of Oklahoma.

It is fitting that an organization, which has as a primary object the improvement of the administration of justice in Oklahoma, should express its appreciation of the life, and honor the memory of one who for two decades exemplified the practicing attorney's proper part in the administration of justice, and who for more than a quarter of a cen-

jury dedicated his life to the administration of justice from the bench.

It is with a sense of deep appreciation that we note that Judge Cotteral expressed his approval of the objects and purposes of the State Bar Act of Oklahoma by enrolling as a member of the integrated bar immediately upon adoption of the act, although he was not required to do so.

I am privileged to present the following resolution which was unanimously adopted by the State Bar of Oklahoma at its annual meeting:

“WHEREAS, on April 22, 1933, the irresistible tide of mortality deprived the judiciary of this great nation of one of its most able and revered members—a worthy and valued citizen, a lawyer and jurist of learning, wisdom and understanding, an honorable and upright judge whose rugged and noble virtues long exalted his calling, his bench and his state, and long will stand as an illuminating guide and precept for those who follow him, Now, THEREFORE,

“BE IT RESOLVED: That the State Bar of Oklahoma, in annual meeting assembled, on this 28th day of December, 1933, at McAlester, Oklahoma, express its realization of the great loss to the bench, the bar, and the nation incurred in the passing from this life of the Honorable John H. Cotteral, Judge of the United States Circuit Court of Appeals for the Tenth Judicial Circuit, and further express its abiding respect for that splendid lawyer, jurist, citizen and man.”

MR. JUSTICE SWINDALL, of the Oklahoma Supreme Court, delivered the following:

JUSTICE SWINDALL: On April 22, 1889, the progress of empire moved westward, the Territory of Oklahoma was opened to settlement, a new government was established, people entered from the north, south, east and west. Some were honest, moral, and law-abiding and came to the Territory to secure homes, build cities, till the soil, provide educational institutions and churches, support and maintain organized government, and thus promote the general welfare and common good of the citizenship and become a blessing to society. Others were dishonest, immoral, and lawless, of more or less a roving disposition, seeking to acquire what they could in any way and by any means except by energy and honest toil. The duty rested upon the former to, as far as possible, eliminate the latter. Among the former was a bright, energetic young lawyer from Garden City, Kansas, known to his friends and acquaintances as John H. Cotteral. He had experienced frontier life and endured the hardships of an early-day settler in Western Kansas. He took an active part as a citizen in shaping the civic and governmental affairs of the Territory. He actively encouraged every movement to improve the bench and bar. He encouraged and participated in organizing the Territorial Bar Association and was a president of same in the early days of its history.

The judicial power of said Territory was by Section 9 of the Organic Act vested in a supreme court, district courts, probate courts, and justices of the peace. Originally the Territory was divided into three judicial districts and that act provided that a term of district court shall be held in each county of said district thereof by one of the justices of the Supreme Court, at such time and place as may be prescribed by law, and each judge, after assignment, shall reside in the district to which he is assigned. The districts were defined by the Supreme Court. The act further provided that each of said district courts shall have and exercise, exclusive of any court heretofore established, the same jurisdiction in all cases arising under the Constitution and laws of the United States as is vested in the circuit and district courts of the United States. The number of the judicial districts was later, by act of Congress, increased to five and finally to seven prior to statehood. The Territorial capital was located at Guthrie, Oklahoma. Judge Cotteral established his residence at that place and continued to reside there until he passed on.

Upon the adoption of a constitution by the people of the State of Oklahoma and the erection of the State of Oklahoma on November 16, 1907, the judicial power of the Territory of Oklahoma was divided into two branches. A part thereof was by the terms of the Enabling Act transferred to the

state courts and a part of the United States courts. The Supreme Court of the State of Oklahoma was created and exercises a part of the judicial power of the State of Oklahoma.

By act of Congress the United States Circuit and District Courts for the Eastern and Western Districts of Oklahoma were established and the state was attached to and made a part of the United States Circuit Court of Appeals, Eighth Circuit, now the Tenth Circuit. The President of the United States, reposing special trust and confidence in the honesty, integrity, and ability of John H. Cotteral, nominated and with the advice and consent of the Senate of the United States appointed him Judge of the United States Circuit and District Courts in and for the Western District of the State of Oklahoma. He was later by the same authority elevated to the office of Judge of the United States Circuit Court of Appeals, Eighth Circuit, and upon organization of the Tenth Circuit, was assigned to it.

A majority of the qualified electors of the State of Oklahoma at the statehood election elected Robert L. Williams, Jesse J. Dunn, Matthew J. Kane, Samuel W. Hayes and John B. Turner, as Justices of the Supreme Court of the State of Oklahoma. Two of the first members of that Court, Justices Matthew J. Kane and Jesse J. Dunn, preceded Judge Cotteral in death. They knew and loved him and in common with all of the former and present mem-

bers of that court held him in the highest esteem as a citizen and a jurist. If it were in my power to express the views of the members of the Supreme Court of Oklahoma as eloquently, clearly, concisely and forcefully as I realize they might be expressed by either former Justice Kane or Justice Dunn, could they be here to represent that court, I am certain that the bench and bar and the people of this state and nation would fully understand how deeply all former and present members of the Supreme Court of the State of Oklahoma regret the passing of one of our most loved and useful citizens, and we are pleased to join with the United States Circuit Court of Appeals, Tenth Circuit, in extending to the relatives of the deceased and to the bench and bar and the people of the state and nation our sincere sympathy.

As a citizen, Judge Cotteral desired to live in a house beside the road and be a friend to man. As a jurist, he desired to so live that no one might have occasion to suspicion a single act or deed. From our acquaintance with him, extending from 1897 to the date of his passing, we feel that each of these desires was accomplished.

As a trial judge and as a member of the Circuit Court of Appeals he was considerate, honest, fair, and just, and displayed much learning. He served the government faithfully and well from statehood until one day in April, 1933, when he became weary

while journeying along life's pathway and lay down to rest and fell asleep in the arms of Jesus.

So, we are called upon to close our records of his earthly deeds. Let the journal show that as a husband he was kind, lovable and sincere; as a citizen he was honest, true, noble and patriotic; as a jurist, he was considerate, just and learned; and that in all he has faithfully served.

Mr. Fred W. Green of the Logan County Bar, made the following remarks:

Mr. Green: May it please the Court: We have heard the resolutions presented on behalf of the State Bar of Oklahoma; and the address of Mr. Justice Charles Swindall, on behalf of the Supreme Court of the State of Oklahoma: words and phrases replete with praise in honor of Logan County's most distinguished member of the bar, and of the judiciary. It seems difficult to say anything that would transcend the bounds of a just and decorous eulogy, and yet how futile are our words in attempting to add to or take from the example of the life of Judge John H. Cotteral, as a private citizen, or in his gracing of the Federal bench.

Simultaneously with the admission of Oklahoma to statehood, in November, 1907, he was appointed by President Theodore Roosevelt, as Judge of the Western District of Oklahoma. His natural retiring disposition and modesty was such that he hesitated

before accepting the appointment, some two or three weeks. His practice and experience as a lawyer had been in the state courts of Kansas and in the Territory of Oklahoma, and he was not an experienced lawyer so far as the Federal court practice was concerned. He expressed to his friends his doubts as to his ability to carry out the duties of the office as a Federal judge. However, his friends insisted that he accept the position, and his habits of study and deep concentration soon qualified him fully for the interpretation of the Federal statutes, and in directing litigation in the Federal court.

It was my personal privilege to be present when Judge Cotteral took the oath of office at the Federal Building in Guthrie. His induction into that high office was marked by a simplicity which characterized his entire judicial life. There were only four persons present in addition to Judge Cotteral—the Clerk of the Court, Judge Cotteral's father and mother and myself. My appearance was entirely accidental. The oath of office was administered by the clerk in the chambers of the Court, and was immediately followed by an admonition on the part of the Judge, that no report of the proceedings be given to the press.

It was immediately manifest upon the assumption of the Federal bench by Judge Cotteral, the supreme importance which he attached to the performance of his judicial work, and the consequent

dedication which followed of every mental and moral faculty of his being, to the doing of that work. There was likewise manifest throughout his entire career as a Federal judge, and as a member of the Circuit Court of Appeals, that highest purpose, to do justice as it was given him to see it, a sense of justice, not resting upon some casual line of separation between right and wrong, but a justice based upon what seemed to him to be the upholding of right and equity, and the frustrating of wrong, and the protection of the weak as against the strong. He had an abiding faith in the Constitution of the United States, and possessed a reverence for, and an implicit faith in our institutions, a faith which knew no doubts, and caused him to believe fully in our republican form of government, and that the Constitution and the application thereof, was adequate to meet and to provide for any possible conditions which might arise, no matter how complex or novel. His method of thought led him to broadest lines of conviction, and where differences arose, impossible of reconciliation, he was many times judged impatient with the expression of views adverse to his, but it should be said that his convictions, when definitely formed, remained fixed and his purpose was to maintain and perpetuate, as he understood it, this government of ours under the Constitution. At the same time, he realized the full necessity of passing upon Federal statutes in such

a way as to place the power of the Federal judiciary so as to maintain its stability and present and maintain and preserve to the fullest degree, his splendid conception of the Constitution—"One sovereignty consisting of many, it being supreme within the sphere of its powers, the states being supreme within in the sphere of their power, resulting in governments, national and state, competent to encounter and solve the problems incident to or emergent in the lives and affairs of the people."

The fellow members of his local bar knew him in private life as a gentleman in the highest and best sense of that much abused word. He loved the outdoors and took the greatest pleasure in hunting, fishing, and in looking after his farms and orchards. He loved a good story and was considerably kind and courteous, and lived without ostentation. He loved to discuss the current question of the day and was intensely interested in the affairs of the state and nation. (One of his most outstanding characteristics was his loyalty to his home town of Guthrie.)

He considered his elevation to the bench as a calling to a sacred priesthood, and drew a cloister about him which caused him to be judged by many as cold and aloof, but to his more intimate friends, his attitude was understood and known to come from a high sense of devotion to the duties of his judicial office.

I would venture no comparisons, nor make any prophecies for "one star differeth from another star in glory." I do voice the sentiment of the bar when I say, that his high attainments as a jurist will forever be kept as distinct and eminent among the Judges who have sat, and who in the future shall occupy the Bench of this Court. I can foresee no shadow upon the luster of his fame, nor lessening of his example, nor of the impressions of his life and service in the Pioneer Period of our country in which he played such an important part.

His greatest memorial is in the clarity, strength and soundness of his opinions as they appear in the Federal Reports.

Mr. Green was followed by Judge A. G. C. BREWER, who made the following remarks:

Death stilled the tongue of Judge John H. Cotteral, and prevents him from speaking for himself, as he was wont to do on this High Court, and so I am here to speak for him as his friend, today. If the unwelcome messenger had knocked at my door and beckoned me to pass on to the world unknown instead of calling my friend, Judge John H. Cotteral, I am sure he would have done for me in another presence what I am doing for him in this high and solemn place today.

I first met John H. Cotteral at Garden City, Kansas, on Saturday evening, July 17, 1886, and

from that hour he and I were and remained firm and steadfast friends in a friendship that was unmarred by any act of either of us and which was always brightened and beautified by any success which either attained.

John Hazelton Cotteral was born at Middletown, Indiana, September 26, 1864.

At eleven years of age, he removed to New Castle, the county seat, upon the election of his father, William W. Cotteral, to the office of County Auditor, an office which he held for eight years.

After graduation in high school, John H. Cotteral entered the law department of the University of Michigan at Ann Arbor; but, owing to family reverses caused, as often happens, by putting too much financial trust in a trusted friend, Cotteral was compelled to give up his college course before graduation. He removed with his parents and brothers and sister to Western Kansas in 1884, where the father took a homestead on government land in what is now Gray County in that state.

Young Cotteral went with his brother-in-law, the late Hon. Milton Brown, to Garden City, Kansas, where Cotteral was admitted to the bar, and they were engaged in the practice of law when I met them and where immediately after that the law firm of Brown, Bierer & Cotteral was formed and which most actively pursued the practice in all of the counties of Southwestern Kansas until the

blighting and blistering hot winds of 1887 and 1888, which would make those of that region in the nineteen-thirties look like past times, made us look for a more promising region in which to practice law, and so he and I came to Guthrie, Oklahoma, in the same berth in the same tourist sleeping car on April 22, 1889, where we practiced law together for a short time in that partnership, and then in the partnership of Bierer & Cotteral until I was appointed by President Cleveland, a Justice of the Supreme Court of Oklahoma Territory in January, 1894.

Judge John H. Cotteral may be best presented as a pioneer lawyer and jurist who, notwithstanding the misfortune which deprived him of his coveted opportunity to attain a legal education in college, and who, therefore, is entitled to his own made place as a self-made man, lawyer and jurist, and who fully exemplified the truth that

“There is no life of nations or of men without its shadows and its sorrows.”

But those shadows and sorrows did not daunt young Cotteral's courage or his determination to go onward and upward to that high mark in life that may ever be attained by him who toils with intelligence, perseverance, and unyielding integrity.

Cotteral was a pioneer lawyer in Western Kansas for he was there in the primitive period, when the public lands were being settled upon and entered and their priorities of rights litigated in the

Land Department and the courts, and he was most successful in both. He was professionally engaged when that country was taken from the "Great American Desert," and organized into counties in almost, if not quite, every one of which, a county seat fight was waged in blood and ballots, always to be settled finally in the courts, where his name appears on those now ancient records, with his usual mark of success. Judge Cottleral was again a pioneer when the Indian lands of Oklahoma were opened to settlement and entry and again established himself as a lawyer of first rank in the litigation that involved these original titles both in the Land Department and its branches and in the courts, when they acquired jurisdiction of the subject-matter, and this also with his usual success.

The onward and upward course of this pioneer lawyer with the spotless private and public life and record which he lead and made, naturally placed his name in first place for the preferment and appointment by President Theodore Roosevelt to the United States District Judgeship for the Western District of Oklahoma at Statehood, November 16, 1907, and in which position he so advanced himself in the esteem of his fellow men and the bench and the bar, that it followed, as the night the day, that he was on May 28, 1928, appointed and placed by President Coolidge in the highest position, but one ever attained by any of Oklahoma's more than two

million citizens—the office of Circuit Judge of the Eighth Federal Judicial Circuit, which gave him the position of Judge of this most high Court, and in attesting Judge Cottleral's memory today, we must record that that judicial service made him in Oklahoma a pioneer jurist—a jurist with a spotless record, of the highest intelligence, the purest integrity, and grandest impartiality—three qualities that will ever make his name honored and revered by every one who knew or associated with him, or who will read the record after him.

The History of Oklahoma cannot be written without recording my cherished friend, John H. Cottleral, as its foremost jurist, and without saying of him and the service he rendered his loved nation as well as his beloved state, as the master said of his servant of old, "Well done, thou good and faithful servant."

Judge Cottleral's place in the judicial sphere is not confined to his ability and attainment as a lawyer and a jurist, for with these, he possessed the highest appreciation of our American Constitution and the duty of every citizen as well as every judge to uphold and be bound by it as the supreme law of our land, and he well believed that our courts were the constituted power to interpret its terms whenever and by whomever questioned; he believed that when the Courts had spoken it was the duty of constituted officers—executive, legislative and

judicial — to observe their orders and decrees; he believed that resort to military force was the last and never the first remedy, and had no place in our government, national or state unless the courts were defied by others than those whose duty it was to enforce the law, and when the angel of death kissed his eyelids with eternal slumber on April 22, 1933, exactly forty-four years to the day after that natal day, when he first crossed the border of Oklahoma, it took from his and our adopted and beloved state the highest interpreter of that law and Constitution ever ordained as an Oklahoma official and citizen and one of its finest men.

The year 1933 will probably for decades, and perhaps for centuries, be remembered as the one day as it were, in the economy of time, when more powers were cheerfully conferred upon a single American than were wrested with a bloody sword from a monarch seven centuries ago, and, also, 1933 will be remembered as the year when the shining dart of death pierced the heart of an unusual number of famous and illustrious Americans and Oklahomans, and it will ever be remembered as the year in which that truest of spirits, that noblest of souls, your friend and my friend, John H. Cotteral, was gathered into eternity.

Judge Cotteral was a profound example of the old and true virtue of personal honesty, personal industry, and personal intelligence, which achieved

fame, fortune and honor in his day and generation for the self-educated and self-made man.

But Judge Cotteral was not alone an eminent jurist. He was a man of noble and manly qualities and attainments. He was a lover of the good, the beautiful, and the true. He loved and cherished his friends, he despised only pretense, evasion and untruth. He was a lover of justice and truly felt and acted on and off the bench that "For justice all place a temple and all season summer."

The nobility and character of Judge Cotteral was such that I think it is most beautifully and properly characterized in the matchless eloquence of John Temple Graves on the life of his friend, Henry W. Grady, when he said:

"The grandest thing next to the radiance that flows from the Almighty throne is the light of a noble and beautiful life wrapping itself in benediction round the destinies of men and finding its home in the blessed bosom of the everlasting God."

Judge James R. Keaton made the following remarks:

Judge Keaton: As already stated by Judge Bierer, Judge Cotteral entered the Territory of Oklahoma at noon, April 22, 1889, the day of its birth, in the full vigor of his young manhood, imbued with the best ideals and purposes of the true pioneer, located in the city of Guthrie and made

his home there until the date of his death, April 22, 1933. In addition to the pioneer spirit, he was then endowed with well-nigh tireless energy and unbounded enthusiasm.

I came about a year and three months later—in July, 1890, also locating in Guthrie. Very shortly thereafter, we were both admitted to the bar in the Territory of Oklahoma on the same day and at the first session of the first Territorial Supreme Court, then consisting of only three judges, who were also trial judges. This court was established in pursuance of an act of Congress creating the organized Territory of Oklahoma approved May 2, 1890, and known as the Organic Act.

Deceased was then a member of the well-known firm of Brown, Bierer & Cotteral, consisting of Milton Brown, A. G. C. Bierer, and himself. Some year or two thereafter, Senator Brown (his brother-in-law), who never moved to Oklahoma, but remained in Garden City, Kansas, retired from the firm.

The original Territory of Oklahoma consisted of only seven counties and, after adding some fifteen counties thereto created from the opening to settlement of various Indian reservations, including the Cherokee Outlet, on December 21, 1893, Congress passed an act granting two additional judges to the Supreme Court of Oklahoma, and A. G. C. Bierer was, on January 8, 1894, appointed to one of

said positions, thus dissolving the firm of Bierer & Cotteral.

Following this appointment, and on January 25, 1894, the firm of Keaton & Cotteral was formed and continued until September, 1896.

We were engaged in the general practice, including all classes of civil cases together with collections; yet, notwithstanding the broad scope of our activities, our income from services rendered was never very abundant and at times was quite meager, owing (at least partially) to the 1893 panic, supplemented by drouths, invasions of grasshoppers and some other adverse conditions, but neither of us ever thought of giving up the fight, in fact, never became discouraged.

Those years were among the most pleasant, as well as active, and probably the most important, of our professional careers. It was during this period that I became most intimately acquainted with our departed fellow member of the Oklahoma Bar, who, by his own merits, rose to such high position, knowing both his business and home life, his habits, ideals and ambitions. Of his sterling integrity as a man, his unflinching loyalty as a friend, his unwavering patriotism as a citizen, his fearless uprightness and competency as a lawyer and jurist, much, say very much, could well be said, yet very little need be said, especially to the Bar of Oklahoma and of the Tenth Circuit who respect and admire him because of

these splendid attributes. In truth, it can also be said that he loved right and justice for their own sake and permitted no consideration of policy or conventionality to swerve him from the course directed by the highest standards of personal and professional ethics.

Of course, in the manifold decisions, many of them involving most complex and important propositions, made by Judge Cotteral during the period of more than twenty-five years on the trial and appellate benches, he committed errors, yet I confidently believe that there can be found no lawyer or litigant against whom such an erroneous decision was made, who believes same was the result of any bias, prejudice, or other improper motive on the part of the court. Furthermore, in addition to his splendid legal ability and mature judgment, he was deliberate, methodical and painstaking in his work, never decided a question in order to expedite business and thereby save time without giving it fair and full consideration.

In closing a biographical sketch, the author of "Oklahoma Leaders" very appropriately says:

"Judge Cotteral's name for years has been associated with the finest traditions and customs of the Judiciary of America. He is a credit to his profession, and an honor to Oklahoma."

Behind the veil of apparent austerity, he possessed a most kindly, tender and affectionate dis-

position. Like many others, on occasions he was much given to worry, mostly about things that never happened, but he certainly possessed in full measure the basic principles necessary to constitute a good citizen, a dependable friend, and a loyal companion—in fact, a true man.

The example which he set as a citizen, neighbor, lawyer and jurist is inspiring to all who knew him and is well worthy of imitation. His beneficent influence, as taught both by precept and example, must necessarily carry on to the end of time.

With deepest sorrow and regret, I can but add that his sudden and seemingly untimely demise has broken one of the strongest and most cherished ties of friendship that it has been my good fortune to possess. I heartily agree with the English poet, Southey, in the following statement:

"The loss of a friend is like that of a limb; time may heal the anguish of the wound, but the loss cannot be repaired."

Junior Lawrs: It seems hardly necessary to say that the members of this Court concur in everything that has been said as to the life and character of Judge Cotteral, and in the resolutions that have been presented. They will be noted in our records to preserve a perpetual memorial for him.

The best test of the ability of a judge and his general fitness for the position is on the trial bench.

There he must bear alone every burden and responsibility. Judge Cotteral in his work on the District Bench had to chart his own course. He had no predecessor. He had no records to guide him. He had no organized clerk's office. The Oklahoma Bar knows how well he discharged those duties. Four-fifths of his time as Federal Judge was devoted to the work of that Court.

The situation is quite different on an appellate court, especially an intermediate one. Each of us in that position is restrained. Our separate views must be considered and each opinion carries in part, at least, what each believes to be the law. About all that a judge writing an opinion can claim as his own are the words, phrases, and paragraphs, the arrangement of the opinion, and the method of considering each point. In that Judge Cotteral was peculiarly apt, as those of you who have read his opinions know. He was accurate and concise, clear and forceful in the disposition of a case. Judge Cotteral first became a member of the Court of Appeals for the Eighth Circuit. About one year later, on a division of the Circuit, he became a member of the Tenth Circuit Court of Appeals, under the statute creating that circuit. The practice in the Eighth Circuit which we carried into the Tenth, was to review the record and the authorities after arguments at the term where concluded and before we separated, with the idea of reaching a conclusion

as to what should be done with each case. Judge Cotteral did not seem to be in full accord with this practice for a while, and I was curious to know his reason, which he seemed to hesitate to express. But I learned to know that his conception of his responsibilities was such that he did not wish to express even a tentative opinion until he had made a thorough and exhaustive study of the record to ascertain the facts and of the authorities cited in the briefs. But when he had done that, his opinion was difficult to dislodge. He reached a conclusion cautiously and adhered to it with tenacity. And many times, a more thorough examination on our part, demonstrated that he was right and his associates were wrong.

This Court has lost a valuable member. We cannot and will not forget him and his helpfulness and as a kindly and modest gentleman.

The Court will now be in recess.



CROSSING THE BAR

SUNSET and evening star,
And one clear call for me!
And may there be no musing of the bar,
When I put out to sea.

BUT such a tide as moving seems asleep,
Too full for sound and foam,
When that which drew from out the boundless
 deep
Turns again home.

TWILIGHT and evening bell
And after that the dark!
And may there be no sadness of farewell,
When I embark.

FOR tho' from out our bourne of Time
 and Place
The flood may bear me far,
I hope to see my Pilot face to face
When I have trost the bar.
 --Lord Tennyson.