

THE DUNCANS' BOND.

**MINING LITIGATION HANGS FOR A
TIME UPON QUESTION OF HOW
MUCH JOHN, ROBERT AND
GUY DUNCAN ARE WORTH.**

In the absence of Judge Bennett in California and the refusal of Judge Garrigues of Greeley to sit in the case of the Eagle Rock Mining and Reduction company vs. John T. Duncan on account of an affidavit of prejudice filed by the defendant Duncan, Judge Cunningham of Colorado Springs came to Boulder on Monday of this week to hear the application of John R. Wolff, attorney for the plaintiff, to require the defendant Duncan to file a new injunction bond in the sum of twenty-five thousand dollars.

After listening to the reading of affidavits on the question of the sufficiency of Guy D. Duncan and R. A. Duncan, sureties upon the bond of John T. Duncan, whom the plaintiff claims are not worth the sum of twenty-five thousand dollars each, Judge Cunningham declined to pass upon the plaintiff's application upon its merits, and denied the same without prejudice to the plaintiff's right to renew their attack at any time.

The Eagle Rock company won a sweeping victory last year against the defendant Duncan, getting judgment for valuable tungsten property in the Sugar Loaf district. Shortly afterwards a leasing company began the operation of its properties on a large scale. In the meantime the defendant carried the case to the supreme court on appeal and later made application to the district court to enjoin the company from operating the properties pending the appeal of the supreme court and litigation. This application was heard on its merits before Judge Bennett last November and an injunction was granted against the plaintiff working its properties upon condition that the defendant Duncan file a bond in the sum of \$25,000. It is this bond signed by R. A. and Guy D. Duncan, brothers of the defendant, which the plaintiff is now attacking on the ground of its insufficiency.

The group of tungsten properties in controversy in this case are among the most valuable in Boulder county, and it is to be regretted that their operation and development should be stopped by litigation.