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## Court: Bank Didn't Have To Warn Its Competitor

**The Associated Press**  
The Mississippi Supreme Court decided Wednesday that First National Bank of Jackson had no obligation to tell a competitor about a businessman's check kiting or to cover the \$400,000 loss.

The ruling upholds a Hills Chancery Court decision in a suit filed against the bank by Citizens National Bank, since acquired by First Mississippi National Bank of Hattiesburg.

The high court said the seven business checks controlled by home-banker Charles Duran of Jackson had accounts in both banks in early 1974, when the suit charged he engaged in a massive kiting scheme.

Duran was accused of writing checks on one bank and covering them with checks on the other, for sums larger than he had on deposit with both.

In the high court opinion by Presiding Justice William Inzer, the court said:

"We find ourselves in agreement with the character that the bill of complaint does not charge First National Bank with doing anything illegal and that First National Bank had a legal right to do the things it did for its own protection."

The court said that the volume of kited checks and deposits flowing between the two banks increased to reach a total of approximately \$700,000 during the last week of March and the first week of April, 1974.

About this time First National discovered the kiting and began returning as unpaid substantially all Duran checks on its accounts, the court said. However, Citizens National was not notified immediately, and FNB continued to accept Duran deposits from Citizens National accounts.

Citizens National contended that First National should have notified it of the kiting, and that the Citizens National funds were consequently acquired by First National by fraud.

However, the high court said, "These two banks were competitors in the banking field and ordinarily would deal with each other at arm's length. First National bank had no duty to inform Citizens National Bank that Duran was kiting checks. First National Bank had the legal right to continue to accept its deposits checks drawn by Duran on accounts at Citizens National Bank."

## Decisions

**The Associated Press**  
The Mississippi Supreme Court handed down the following decisions Wednesday:

**Mississippi State Board of Education** - The board's decision to suspend a teacher for 90 days for failing to report a student's truancy is affirmed. *State Board of Education v. Jackson*, 453 So. 2d 1017.

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## State Preserves Time In Capsule

**The Associated Press**  
State officials presented Wednesday over the last set of Mississippi's Bicentennial celebration — the closing of a time capsule that is to be opened July 4, 1975, as the nation begins to celebrate its Tricentennial.

"As we look forward to the next 100 years, I don't want us to forget the last 200 years," Gov. Cliff Frank said. "As we open this box in 2075, I hope the values we cherish today will still be valued in the year 2075."

The time capsule, housed in an 18-inch aluminum case, will be buried in the center of three magnolia trees in front of the state archives building in Jackson.

Secretary of State Heber Lader, chairman of the Mississippi American Revolution Bicentennial Commission, presided at the ceremony closing the capsule in Frank's office.

"With the time we had to work with, I think we were No. 1 in the nation in Bicentennial activities," Lader said. "I have never seen such enthusiasm in all communities in the state. In the last count, we were No. 2 in involvement by southeastern states."

Both Frank and Lader dropped letters to Americans of 2075 into the capsule and the governor placed "I'll be here in person in 2075 to tell everybody what a great day this has been."

Included in the memorabilia placed in the capsule are a Mississippi state flag, Democratic and Republican presidential campaign buttons from the 1974 election, a number of historical Mississippi and other documents about the state.

This includes a copy of the directory of Mississippi's elected officials for the period 1976 to 1980, a state budget for the 1977 fiscal year and a state travel guide.

## Ann Landers' Advice

The Clarion-Ledger  
Every Day  
BY HELEN FRENCH STONE

**LEGAL NOTICE**  
THE UNIVERSITY OF MISSISSIPPI  
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MAY 28, 1977

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## Cult Head Sentenced In Woman's Abduction

**The Associated Press**  
WALTHAM — The leader of a Webster County religious cult was sentenced to 10 years in prison Wednesday after being convicted of kidnaping a Texas woman in 1973 and holding her captive on a farm commune near Liverpool.

John Henson, director of the 65-acre commune called the Church of Satan, was found guilty by a Webster County jury of directing the abduction of Mrs. Charlene Hill, 31, from Miami Fla., in January 1973 and holding her captive at the commune where she testified she was tied to chairs and beds and beaten.

Circuit Court Judge Clarence E. Morgan Jr. handed down the sentence, telling Henson that although he did not feel the case called for the maximum penalty of 30 years in prison, "what you are charged with and convicted of — the restraint of an American citizen without any right whatsoever — is a very serious crime."

Henson was freed on \$5,000 bond pending appeal.

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