

An. Code, 1924, sec. 87. 1929, ch. 454, sec. 87.

112. (Duty and Responsibility of Bank Collecting Agents.) It shall be the duty of the initial or any subsequent agent collecting bank to exercise ordinary care in the collection of an item and when such duty is performed such agent bank shall not be responsible if for any cause payment is not received in money or an unconditional credit given on the books of another bank, which such agent bank has requested or accepted. An initial or subsequent agent collecting bank shall be liable for its own lack of exercise of ordinary care but shall not be liable for the neglect, misconduct, mistakes or defaults of any other agent bank or of the drawee or payor bank.

An. Code, 1924, sec. 88. 1929, ch. 454, sec. 88.

113. (Rules of Ordinary Care in Forwarding and Presentment.) (A) Where an item is received on deposit or by a subsequent agent bank for collection, payable in another town or city, it shall be deemed the exercise of ordinary care to forward such item by mail, not later than the business day next following its receipt either (1) direct to the drawee or payor in the event such drawee or payor is a bank or (2) to another bank collecting agent according to the usual banking custom, either located in the town or city where the item is payable or in another town or city.

(B) Where an item is received on deposit or by a subsequent agent bank for collection, payable by or at another bank in the same town or city in which such agent bank is located, it shall be deemed the exercise of ordinary care to present the item for payment at any time not later than the next business day following the day on which the item is received either (1) at the counter of the drawee or payor by agent or messenger or (2) through the local clearing house under the regular established procedure, or according to the usual banking custom where the collecting or payor bank is located in an outlying district.

(C) The designation of the above methods shall not exclude any other method of forwarding or presentment which under existing rules of law would constitute ordinary care.

This section relates directly only to the obligation of a collecting bank to its depositor and not the rights and liabilities between the depositor, as payee of check, and the drawer of it. The holder of check drawn on bank in same city, which was not delivered until after banking hours, was not guilty of unreasonable delay if he deposited it in his bank the day after delivery, for presentment to drawee bank in ordinary course through the clearing house on second day after delivery according to ordinary usage. *Title Guarantee Co. v. Alter*, 167 Md. 247, 250.

This section referred to in construing sec. 120. *Construction Co. v. Page*, 162 Md. 359

An. Code, 1924, sec. 89. 1929, ch. 454, sec. 89.

114. (Items Received Through the Mail.) Where the item is received by mail by a solvent drawee or payor bank, it shall be deemed paid when the amount is finally charged to the account of the maker or drawer.

An. Code, 1924, sec. 90. 1929, ch. 454, sec. 90

115. (Items Lost in Transit.) Where an agent bank forwards an item for collection, it shall not be responsible for its loss or destruction in transit or, when in the possession of others, for its inability to repossess itself thereof, provided there has been no lack of ordinary care on its part.