

**CHAPTER 38
RESPONDENTIA**

- § 38101. What is Respondentia.
- § 38102. By Owner.
- § 38103. By Master.
- § 38104. Rate of Interest.
- § 38105. Obligations of Ship Owner.

§ 38101. What is Respondentia.

Respondentia is a contract by which a cargo, or some part thereof, is hypothecated as security for a loan, the repayment of which is dependent upon maritime risks.

SOURCE: CC § 3036.

§ 38102. By Owner.

The owner of cargo may hypothecate it upon respondentia, at any time and place, and for any lawful purpose.

SOURCE: CC § 3037.

§ 38103. By Master.

The master of a ship may hypothecate its cargo upon respondentia only in a case in which he would be authorized to hypothecate the ship and freightage, but is unable to borrow sufficient money thereon for repairs or supplies which are necessary for the successful accomplishment of the voyage, and he cannot do so, even in such case, if there is no reasonable prospect of benefitting the cargo thereby.

SOURCE: CC § 3038.

§ 38104. Rate of Interest.

The provisions of § 37106 to § 37108 apply equally to loans on respondentia.

SOURCE: CC § 3039.

§ 38105. Obligations of Ship Owner.

18 GCA BUSINESS STRUCTURE & FUNCTION
CH. 38 RESPONDENTIA

The owner of a ship is bound to repay to the owner of its cargo all which the latter is compelled to pay, under a contract of respondentia made by the master, in order to discharge its lien.

SOURCE: CC § 3040.

NOTE: No 1970 Civil Code §§ 3041-3045 existed.

18 GCA BUSINESS STRUCTURE & FUNCTION
CH. 38 RESPONDENTIA