

科目：法學英文

系所組：財經法律學系碩士班

請選出一個正確或最適當的答案

1. A Justice of the Peace is also known in Britain as a (A) magistrate (B) policeman (C) bailiff (D) Judge
2. _____ include trademarks, logos, brand names, production processes, patents, even managerial know-how. (A) Related rights (B) Copy rights (C) Neighboring rights (D) Industrial property rights
3. If an offender should kill or injure or steal, the _____ provides that he should be punished either by being imprisoned or fined or perhaps do community service. (A) civil law (B) criminal law (C) constitution law (D) commercial law
4. In civil law, what is the first pleading filed on behalf of a plaintiff setting forth the facts on which the claim is based? (A) brief (B) answer (C) complaint (D) affidavit
5. _____ is an official order from a court for a person to stop doing something. (A) Motion (B) Injunction (C) Writ (D) Pleading
6. The legal procedure in discovery for the questioning in person of witnesses who have knowledge about the subject of the dispute is called a _____. (A) deposition (B) cross examination (C) interrogatory (D) direct examination
7. The practice of selling goods in the host market at a price below the price at which the same or similar goods are sold in the home market is known as _____. (A) dumping (B) subsidy (C) price fixing (D) tie-in sale
8. A _____ contract is a fictional contract which imposes an obligation to prevent unjust enrichment. (A) collateral (B) literal (C) revocable (D) quasi
9. Under the common law, the acceptance must correspond in all respects with the offer if it is to be effective. In contract law, this rule is known as _____. (A) acceptance rule (B) parol evidence rule (C) mirror image rule (D) offer rule
10. Terry agrees not to declare bankruptcy in exchange for Scott's promise to accept \$250 in full satisfaction of the debt. Scott's promise is enforceable. This new agreement is called _____ of Scott's original claim against Terry. (A) an intended contract (B) a preexisting agreement (C) a liquidated agreement (D) an accord and satisfaction
11. Under the US Uniform Commercial Code, a court may refuse to enforce a contract or a contract clause if it finds the contract or clause to be _____ (A) attributable (B) unconscionable (C) ancillary (D) contributing
12. The term "_____ " refers to a specific amount designated by the parties at the time of contracting which is to be recovered by the injured party in the event of a breach of contract. (A) compensatory damages (B) nominal damages (C) consequential damages (D) liquidated damages
13. The Articles of private companies often contain intricate _____ provisions designed to prevent control of the company passing out of the hands of a few founding or family shareholders. (A) convertible (B) non-voting (C) pre-emption (D) redeemable

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14. _____ generally is caused by expiration of the company's determined duration, by a resolution of the shareholders voted with a three-quarters' majority, by judgment or following bankruptcy proceedings. (A) Dissolution (B) Liquidation (C) Composition (D) Authentication
15. Under the _____ rule, should WTO member state A agree in negotiation with state B, which needs not to be a WTO member, to reduce the tariff on the same product X to five percent, this same tariff rate must apply to all other WTO members as well. (A) tariff preferences (B) tariff concession (C) most favored nation (D) customs valuation
16. The International Monetary Fund is financed by _____ from its members, the amount determined by an estimate of their means. (A) substitutes (B) subscriptions (C) substances (D) submissions
17. According to Incoterms, in a _____ contract it is the duty of the seller to place the goods over the ship's rail and to deposit them on board the ship. (A) F.O.B. (B) C.I.F. (C) F.A.S. (D) D.A.F.
18. A _____ is a negotiable instrument signed and issued by the drawer authorizing the drawee to pay unconditionally at a fixed future date a sum certain in money to order or to bearer. (A) cheque (B) promissory note (C) bill of exchange (D) letter of credit
19. _____ are intended to affect any unfair competitive advantage that foreign manufactures of exports might gain over the importing nation's producers because of foreign subsidies. (A) Safeguards (B) Quantitative restrictions (C) Market access (D) Countervailing duties
20. _____ is a procedure whereby one person (or three persons) appointed by the parties, listens to the evidence of the parties to the dispute and then makes an award of money damages to one party or the other. (A) Litigation (B) Arbitration (C) Settlement (D) Lawsuit
21. Her lawyer attempted to rebut the witness's testimony. Which of the following choices is the best meaning for "rebut"?
- (A) reprimand (B) repeat (C) rebuke (D) refute
22. Amelia is willing to lend Lincoln \$1 million as long as Amelia is guaranteed that the loan will be repaid. Instead of taking a security interest in collateral of Lincoln, Amelia may agree to accept a standby _____ from Lincoln's bank. (A) bill of lading (B) letter of credit (C) certificate (D) lending contract
23. A chair, a horse, a book and a pen are all examples of moveable property. The term "moveable property" can be BEST replaced by the word of (A) habitation (B) estate (C) livestock (D) chattels
24. _____ means the obligation we all owe each other not to cause any unreasonable harm or risk of harm. (A) Duty to act (B) Due process of law (C) Duty of care (D) Negligence per se
25. Marine insurance being a contract of _____, the assured is only entitled to recover from the insurer such loss as he actually sustains. (A) indemnity (B) indentation (C) relocation (D) performance

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26. Intentional _____ occurs when a wrongdoer deceives another person out of money, property, or something else of value.
(A) warrant (B) misrepresentation (C) liability (D) guarantee
27. _____ liability is the imposition of liability on a party without a finding of fault. (A) Several and joint
(B) Several (C) Strict (D) Negligence
28. _____ damages are damages intended to deter the defendant and others from engaging in conduct similar to that which formed the basis of the lawsuit.
(A) Compensatory (B) Executory (C) Contributory (D) Punitive
29. Under the doctrine of _____ negligence, damages are apportioned according to fault.
(A) comparative (B) revocable (C) gross (D) proximate
30. Common carriers and innkeepers owe a duty of utmost _____ to their passengers and guests.
(A) causation (B) cause and effect (C) performance (D) care
31. A _____ is a person who has no invitation, permission, or right to be on another property.
(A) donee (B) franchisee (C) licensor (D) trespasser
32. A _____ contract is one that has no legal effect.
(A) gratuitous (B) void (C) actionable (D) valid
33. The person who makes the offer is called the _____.
(A) offeror (B) offeree (C) licensor (D) petitioner
34. A contract is a mutual _____.
(A) offence (B) promise (C) remedy (D) duress
35. The transfer of contractual rights is called an _____ of rights.
(A) exchange (B) assignment (C) unilateral (D) accession
36. _____ by concealment occurs when one part takes specific action to conceal a material fact from another party.
(A) Confirmation (B) Fraud (C) Confidentiality (D) Affirmation
37. _____ is defined as the thing of value given in exchange for a promise.
(A) Consideration (B) Adhesion (C) Compact (D) Demography
38. A _____ contract occurs when one person agrees to answer for the debts or duties of another person.
(A) collateral (B) wanton (C) misdemeanor (D) counteroffer
39. Nonperformance of a _____ is a breach of contract that gives the other party the right to sue.
(A) rescission (B) liquidator (C) derivative (D) covenant
40. _____ of directors are composed of inside directors and outside directors.
(A) Boards (B) Memorandums (C) Proxies (D) Quorums

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41. The duty of _____ requires directors and officers to subordinate their personal interests to those of the corporation and its shareholders.
(A) performance (B) care (C) royalty (D) loyalty
42. _____ is the legal requirement that the state must respect all of the legal rights of a person.
(A) Due process (B) Preemption doctrine (C) Duty of fiduciary (D) Supremacy clause
43. _____ is the communication of an untrue statement that harms the reputation of another person.
(A) Assault (B) Battery (C) Defamation (D) False imprisonment
44. _____ of name or likeness occurs when a person uses the name or likeness of another person for personal gain or commercial advantage.
(A) Battery (B) Defamation (C) Libel (D) Appropriation
45. The _____ doctrine permits some copying and distribution without obtaining permission of the copyright holder.
(A) conversion (B) fair use (C) publicity (D) misappropriation
46. A _____ is a recognizable logo to identify products or services of a particular source from those of others.
(A) trademark (B) stakeholder (C) fair dealing (D) licensee
47. _____ refers to negligence or misconduct by a professional person, such as a lawyer, a doctor, a dentist, or an accountant.
(A) Noncompetition (B) Malpractice (C) Beneficiary (D) Novation
48. _____ is a technique for the resolution of disputes outside the courts, where the parties to a dispute refer it to one or more persons, by whose decision they agree to be bound.
(A) Jurisdiction (B) Appeal (C) Arbitration (D) Jury
49. _____ to contract refers to the legal competence of a person to enter into a valid contract.
(A) Capacity (B) Responsibility (C) Infringement (D) Guarantor
50. _____ contract is unenforceable because no reasonable or informed person would otherwise agree to it.
(A) An immaterial (B) An equitable (C) An unconscionable (D) A collaborative

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