

102 年度管理類、工程類、船員類從業人員甄試試題
管理類及工程類：「類別四：管理師/法務類(職務層次第 7 層)」

科目：專業英文

1. 作答前須檢查答案卡、入場通知書號碼、桌角號碼、應試類別是否相符，如有不同應立即請監試人員處理。繳卷時，請將「答案卡」及「試題卷」一併繳回。
2. 第 1 至 50 題為單一選擇題，每題都有(A)(B)(C)(D)四個答案，請選出一個正確選項，標示於答案卡。每題答對得 2 分，答錯不倒扣。

1. Which of following word is commonly used to describe the decision made by the court?
 - (A) warrant
 - (B) law order
 - (C) verdict
 - (D) legal paper
2. The court can issue a _____ to require a specific person to answer the question at a trial.
 - (A) court order
 - (B) call list
 - (C) certiorari
 - (D) subpoena
3. Which of following can be classified as a “tort “case?
 - (A) personal injury
 - (B) breach of contract
 - (C) divorce
 - (D) housing lease
4. The prosecutor _____ a person when he or believes the suspect commits a crime.
 - (A) liberates
 - (B) captures
 - (C) arrests
 - (D) indicts
5. Which of following has binding effect for general public?
 - (A) grand justice’s interpretation
 - (B) supreme court’s decision
 - (C) congressional record
 - (D) united nation’s resolution

< 背面有題 >

6. Which of following procedure can resolve disputes between two or more parties that a third party assists the parties to negotiate settlement?
- (A) remediation
 - (B) litigation
 - (C) hearing
 - (D) mediation
7. Unless otherwise stipulated in the contract, the insurer is _____ for any damages, losses and expenses incurring to the subject of insurance caused by any accidents or calamities at sea.
- (A) responded
 - (B) liable
 - (C) subject
 - (D) assessed
8. Which of following legal principle adopted by R.O.C. law on territorial sea enables foreign civil vessels enjoy the right of innocent passage through the territorial sea.
- (A) courtesy principle
 - (B) fairness principle
 - (C) reciprocity principle
 - (D) consistency principle
9. Which of following sea area is next to the outer limits of territorial sea and to a distance of twenty-four nautical miles measured from the baseline?
- (A) contiguous zone
 - (B) freedom zone
 - (C) innocent passage zone
 - (D) high sea zone
10. In accordance to R.O.C's maritime law, the _____ can exclude the carrier or the ship owner's responsibility for loss or damage of cargo.
- (A) collision of ships
 - (B) waive of contract
 - (C) disorder of ship's navigation equipment
 - (D) act of god
11. The _____ refers to the duty that directors and offices of a corporation in making business judgment must act without personal conflict of interests.
- (A) duty of legality
 - (B) duty of reporting
 - (C) duty of care
 - (D) duty of loyalty

12. Which of following operation rendered to a ship or the property thereon which have had a useful result give right to a claim proper reward for the result ?
- (A) fishery
 - (B) salvage
 - (C) navigation
 - (D) repair
13. Which of following best described the fundamental concept of WTO's "Most Favorable Nation" (MFN) principle?
- (A) removal of subsidy
 - (B) fairness of trade
 - (C) free movement of goods
 - (D) non-discrimination between trading partners
14. In a car accident party with fault has to _____ the damage or loss of counter party.
- (A) compensate
 - (B) deter
 - (C) redeem
 - (D) credit
15. Which of following person is appointed to collect the assets of a company and to settle all claims against the company before its dissolution?
- (A) debtor
 - (B) creditor
 - (C) liquidator
 - (D) trustee
16. The main objective of the WTO is to _____ international trade.
- (A) consume
 - (B) liberate
 - (C) decrease
 - (D) rule
17. The WTO system tries to improve the predictability and stability of trade. Which of following approach adopted by the WTO "does not" serve this goal?
- (A) discourage member states the use of quotas
 - (B) require member states to disclose their trade policies and rules
 - (C) review member states' trade policies and rules through "Trade Policy Review Mechanism"
 - (D) encourage member states to open regional trade talk.
18. Which of following criminal offenses is considered the lowest seriousness crime?
- (A) felony
 - (B) battery

<背面有題>

(C) misdemeanors

(D) manslaughter

19. Jones enters into a land transaction contract with James .In accordance to the contract, Jones is required to hand over the car title to James once Jones receives \$50,000 in two days. Jones fails to hand over the land title within two days. James is entitled to sue in the court for issuing_____ that requires Jones to hand over the land title and take the right of possession.

(A) remedy

(B) specific performance

(C) civil penalty

(D) oral agreement

20. Benson chemical factory is constantly protested by environmental groups and neighborhood residents for its emission of air pollution. If a group of residents files a suit against the Benson, the plaintiff may seek for _____ requiring the Benson to shut down the operation of the factory for certain period of time.

(A) injunction

(B) decree

(C) civil penalty

(D) specific performance

21. The court _____ Taylor's petition due to a lack of standing.

(A) determines

(B) holds

(C) dismisses

(D) revokes

22. _____is an invasion of the right to be free of intentional, harmful physical conduct.

(A) assault

(B) imprisonment

(C) conversion

(D) battery

23. In common law system, a defendant involving criminal procedure is entitled for _____trial.

(A) repeat

(B) single

(C) multiple

(D) jury

24. Which of following best described the strict liability?

(A) strict liability requires high degree of proof

(B) strict liability requires proof of intent or negligence

(C) strict liability applies to a car accident

- (D) strict liability applies to manufacturing defects
25. A is an employee of B company. One day on his way for delivery goods to wholesalers, his car collided with C's car and caused damage of C's car. In accordance to R.O.C. civil law, C is entitled to sue B on which legal basis?
- (A) collective torts
 - (B) breach of contract
 - (C) jointly liability
 - (D) choices of law
26. A new right granted to a criminal defendant by law usually has_____effect.
- (A) retroactive
 - (B) proactive
 - (C) adverse
 - (D) reserved
27. Which of following legal term best described the delay payment?
- (A) down payment
 - (B) partial performance
 - (C) default
 - (D) incomplete performance
28. A judge who disagrees with majority opinion and writes an opinion opposing the holding is called_____opinion.
- (A) concurring opinion
 - (B) dissenting opinion
 - (C) minority opinion
 - (D) opposing opinion
29. A sworn written statement made by a person under the oath or on affirmation before magistrate or a notary public is so called_____.
- (A) affidavit
 - (B) promissory note
 - (C) certification
 - (D) formal notice
30. In accordance to ROC civil law, a person under age of 7 is deemed a lack of legal_____.
- (A) mean
 - (B) representative
 - (C) comprehension
 - (D) capacity

<背面有題>

31. Which of following legal right enables a person to make limited use of another's real property?
- (A) ownership
 - (B) bailment
 - (C) trust
 - (D) easement
32. Which of following refers to a court's decision made on the basis of statement and evidence without a trial?
- (A) remand verdict
 - (B) summary judgment
 - (C) conclusive judgment
 - (D) clear decision
33. A _____ refers to a denial or repudiation of a person's claim or right to a thing.
- (A) condition
 - (B) acceptance
 - (C) disclaimer
 - (D) waiver
34. The principle of _____ arises where a person has done a certain act that the principle of law will not allow her to gainsay or deny previously settled fact.
- (A) warranty
 - (B) binding
 - (C) retract
 - (D) estoppel
35. The plaintiff's _____ is defined as the value to the defendant of the plaintiff's performance.
- (A) restitution interests
 - (B) reliance interests
 - (C) expectation interests
 - (D) assurance
36. The appellate court _____ the lower court's decision and dismiss plaintiff's complaint.
- (A) asserts
 - (B) revokes
 - (C) affirms
 - (D) assurance
37. Which of following best described the term "rescind"?
- (A) breach of a contract
 - (B) subsistence of a contract
 - (C) existence of a contract

(D) the cancellation of a contract

38. The _____ is defined as a person who has in an unreasonable manner exercised any privilege to enter land is subject to liability for any harm caused by such unreasonable conduct.

(A) torts

(B) battery

(C) assault

(D) trespass

39. Which of following legal term refers to a written or oral statement that injures a third party's reputation?

(A) insult

(B) defamation

(C) breach of honor

(D) depress

40. The _____ is defined as an exemption from penalties, payments, or legal requirements granted by authorities or statutes.

(A) immunity

(B) exclusion

(C) release

(D) consultation

41. Which of following tort rule that allocates damages when both parties are at least somewhat at fault?

(A) gross negligence

(B) contributory negligence

(C) collective negligence

(D) comparative negligence

42. The _____ refers to the evidentiary standard necessary for a victory in a civil case.

(A) preponderance evidence

(B) beyond reasonable doubt

(C) overweight

(D) convincing evidence

43. Which of following best described the power of a court, administrative agency, or private party to make decisions based on her opinion within legal guideline?

(A) empowerment

(B) authorization

(C) discretion

(D) entitlement

<背面有題>

44. The _____ is defined as finding made by a judge or jury that the defendant is guilty of the crime with which he or she was charged.

- (A) contention
- (B) summary judgment
- (C) motion
- (D) conviction

45. The _____ is a statement not made in the court and not under oath offering as proof the truth of the matter stated.

- (A) clear and convincing evidence
- (B) preponderance evidence
- (C) hearsay evidence
- (D) testimony

46. Which of following best described 'probation'?

- (A) procedure that allows offenders to seek for medical service
- (B) parole
- (C) procedure that allows inmates to seek for legal assistance
- (D) procedure that allows convicted criminal defendant to return the community instead of confining him or her to prison.

The famous Miranda v. Arizona decisions made by the U.S. Supreme Court in 1966 has ruled that any accused person must be ____47____ prior to ____48____ that he or she has the right to remain ____49____ that anything he or she says can be used to against him in the court. Furthermore, the Miranda right also gives suspect the right to the presence of an ____50____.

47. Which of following is correct?

- (A) discussed
- (B) waived
- (C) examined
- (D) warned

48. Which of following is correct?

- (A) interrogation
- (B) trial court
- (C) custody
- (D) interview

49. Which of following is correct?

- (A) calm
- (B) unconscious
- (C) curious
- (D) silence

50. Which of following is correct?

- (A) prosecutor
- (B) attorney
- (C) guardian
- (D) magistrates

< 試題結束 >