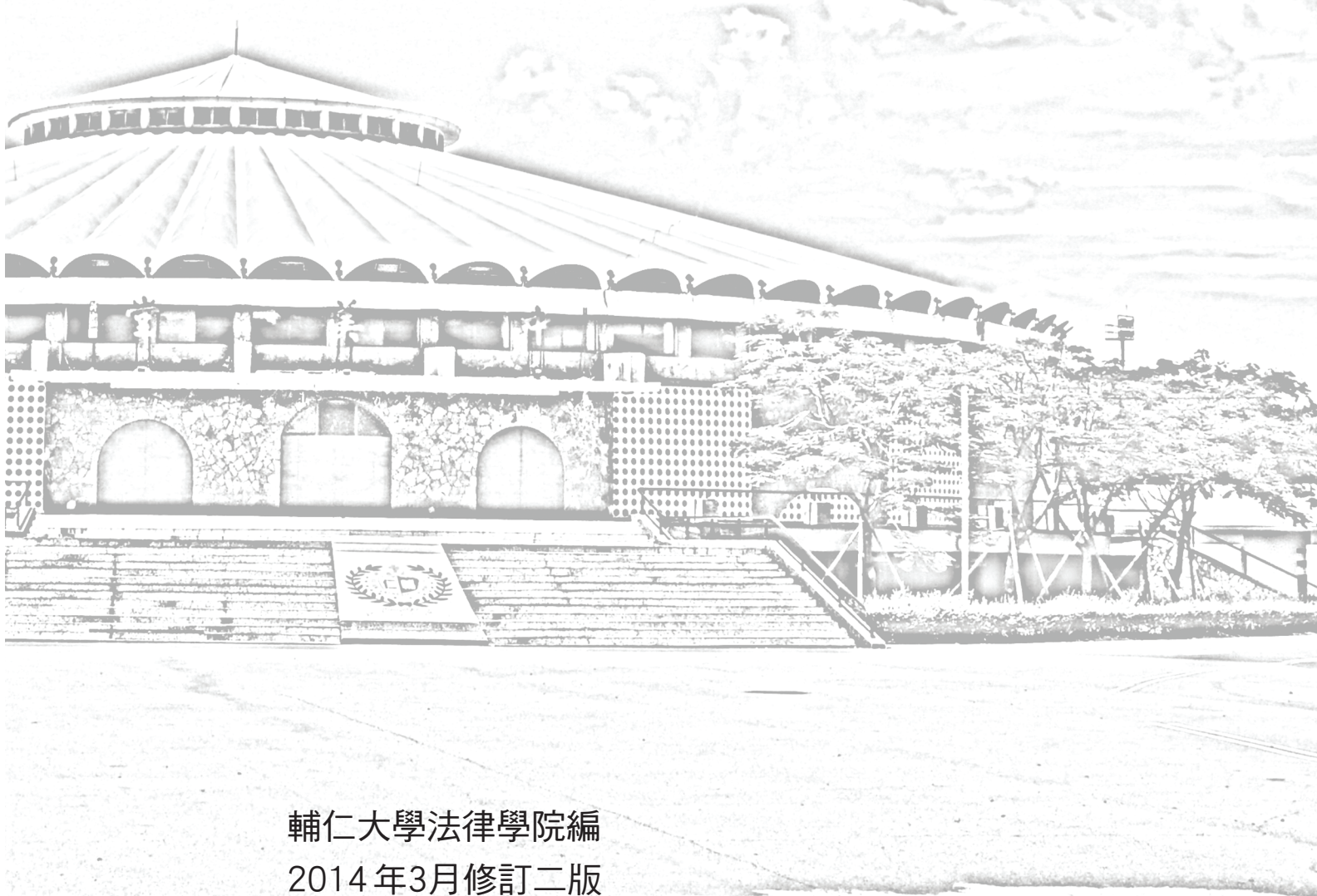


輔仁大學
SCHOOL OF LAW
FU JEN CATHOLIC UNIVERSITY

法律學院

常用法學英文字彙表



輔仁大學法律學院編
2014年3月修訂二版

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修訂二版 序

輔仁大學法律學院自 2011 年發行「常用法學英文字彙表」電子書以來，除做為本院相關領域課程之教材內容外，也提供給全國法律學院師生網路自由下載，不僅獲得廣泛的迴響，更受到各界的肯定與支持。本院深感榮耀！

為了讓「常用法學英文字彙表」更盡善盡美，本院法學英文課程規畫小組在全體老師的辛勤付出與集思廣益下進行了第二版增修，修改的重點除了新增字彙內容以及更系統化字彙表編輯外，並在每門專業法律領域之後新增習題或習作，以提升學生的學習興趣與效度。

在全球化競爭的趨勢下，輔仁大學法律學院特別著重培養兼具國際化能力與社會服務精神的法律專業人才，本著這份使命與責任，本電子書的編撰與增修只是小小的第一步，未來法學英文課程規畫小組更將持續在課程創新與精進上提出規劃與建議，也誠摯期盼各位師長的指教與鼓勵。

最後，要衷心感謝的是法學英文課程規劃小組所有無私奉獻的伙伴們—何明瑜、黃裕凱、郭大維、雷敦穌、張明偉、邱彥琳、姚孟昌、翁清坤、鄭川如、劉晏齊、黃詩婷等老師、以及認真負責的美玲秘書。這樣的團隊合作與無私精神，是輔仁大學法律學院最值得驕傲的價值，更是本院師生莫大的福氣。

法律學院院長 張懿云
2014 年 3 月 20 日 於樹德樓

民法總則

序號	中 文	英 文
1.	從物	accessories
2.	承認	acknowledgement
3.	代理	agency
4.	代理人	agent
5.	仲裁	arbitration
6.	受讓人	assignee
7.	破產	bankruptcy
8.	善意	bona fide
9.	善意第三人	bona fide third party
10.	被脅迫	by duress
11.	被詐欺	by fraud
12.	章程	bylaw (article)
13.	權利能力	capacity (legal)
14.	中止、廢止	cease
15.	公益社團	charitable corporation
16.	法定孳息	civil profit
17.	賠償	compensate
18.	和解	compromise
19.	調解	conciliation
20.	契約	contract
21.	出資、捐助	contribution
22.	監察人	controller
23.	社團	corporation
24.	債權人	creditor
25.	習慣	custom
26.	期日	date
27.	視為	deem
28.	抗辯	defense、defence
29.	毀損	destroy
30.	董事	director
31.	費用、墊款	disbursement

序號	中 文	英 文
32.	駁回	dismiss
33.	處分	disposition
34.	解散	dissolve
35.	紅利	dividends
36.	住所	domicile
37.	捐助	endowment
38.	遺囑執行人	executor
39.	意思表示	expression of intent
40.	疏失、過錯	fault
41.	天災、不可抗力	force majeure
42.	(法定)方式	formality
43.	財團	foundation
44.	詐術	fraudulent mean
45.	贈與	gift
46.	誠實信用	good faith
47.	保證	guaranty
48.	法定代理人	guardian
49.	監護	Guardianship (legal guardian)
50.	不知	ignorance
51.	侵害	infringe
52.	侵害	infringement
53.	遺產	inheritance
54.	無法清償債務	insolvent
55.	利息	interest
56.	解釋	interpretation
57.	中斷	interrupt
58.	連帶負責	jointly liable
59.	法律行為	juridical act
60.	法人	juridical persons (juristic person)
61.	法理	jurisprudence
62.	土地	land
63.	遺贈	legacy

序號	中 文	英 文
64.	住所地法	lex domicillii
65.	自由	liberty
66.	質權	lien
67.	清算人	liquidator
68.	贍養費	maintenance
69.	成年	majority
70.	精神障礙	mental disability (disorder)
71.	未成年人	minor
72.	錯誤	mistake
73.	善良風俗	morals
74.	抵押權	mortgage
75.	準用	mutatis mutandis
76.	自然人	natural persons
77.	天然孳息	natural profit
78.	過失	negligent
79.	義務	obligation
80.	當事人	party
81.	退職金	pension
82.	期間	period
83.	許可、允許	permission
84.	消滅時效	(extinctive) prescription
85.	動產	personal property
86.	人格權	personality
87.	人	persons
88.	推定	presume
89.	本人	principal
90.	檢察官	prosecutor
91.	公證人	public notaries
92.	公共秩序	public policy
93.	不動產	real estate
94.	租金	rental
95.	廢止	repeal

序號	中 文	英 文
96.	居所	residence
97.	解除條件	resolutive condition
98.	拘束	restrain
99.	留置	retain
100.	撤銷	revocation
101.	撤銷	revoke
102.	權利	right
103.	留置權	right of retention
104.	印章、蓋印	seal
105.	押收	seize
106.	簽字	signature
107.	獨資	sole proprietorship
108.	配偶	spouse
109.	繼承人	successor
110.	停止條件	suspenseful condition
111.	物	thing
112.	信託	trust
113.	無意識	unconsciousness
114.	單獨行為	unilateral act
115.	有效	valid
116.	違反	violate
117.	無效	void (voidance)
118.	自始無效	void ab initio
119.	放棄、拋棄	waive
120.	遺囑	will
121.	撤回	withdraw

Choose the best answer:

- Pursuant to Article 6 of R.O.C. Civil Code, the _____ of a person commences from the moment of live birth and terminates at death.
(A) legal capacity (B) liberty (C) right (D) obligation
- Pursuant to Article 16 of R.O.C. Civil Code, no one shall be permitted to _____ his legal capacity or capacity to make juridical acts.

- (A)enforce (B)waive (C)claim (D)suit
3. Pursuant to Article 17 of R.O.C. Civil Code, Paragraph 1, no one shall be permitted to waive his _____.
(A)right (B)liberty (C)debt (D)reputation
 4. Pursuant to Article 17 of R.O.C. Civil Code, Paragraph 2, any limitation to liberty shall not be against public policy or _____.
(A)regulations (B)will (C) custom (D)morals
 5. Pursuant to Article 18 of R.O.C. Civil Code, Paragraph 1, when one's personality is _____, one may apply to the court for removing.
(A)misused (B)deprived (C)infringed (D)suited
 6. Pursuant to Article 25 of R.O.C. Civil Code, a _____ is established only according to this code or any other acts.
(A)natural person (B)real estate (C)personal property (D)juridical person
 7. Pursuant to Article 66 of R.O.C. Civil Code, Paragraph 1, _____ is land and things which are constantly affixed thereto.
(A)fungible property (B)personal property (C)real property (D)trust
 8. Pursuant to Article 66 of R.O.C. Civil Code, Paragraph 2, the products of the real property, if they are not _____ therefrom, constitute a part of the real property.
(A)separated (B)combined (C)comprised (D)annexed
 9. Pursuant to Article 71 of R.O.C. Civil Code, a juridical act which violates an imperative or prohibitive provision of the laws is _____ except voidance is not implied in the provision.
(A)binding (B)default (C)enforceable (D)void
 10. Pursuant to Article 72 of R.O.C. Civil Code, a juridical act which is against public policy or _____ is void.
(A)regulations (B)will (C)custom (D)morals
 11. Pursuant to Article 75 of R.O.C. Civil Code, the expression of intent of a person who has no _____ to make juridical acts is void.
(A)capacity (B)authorization (C)right (D)obligation

12. Pursuant to Article 76 of R.O.C. Civil Code, a person who has no capacity to make juridical acts shall be represented by his/her _____ for making or receiving an expression of intent.
(A)parents (B)director (C)agent (D)guardian
13. Pursuant to Article 78 of R.O.C. Civil Code, _____ act made by a person limited in capacity to make juridical acts without the approval of his guardian is void.
(A)an unilateral (B)a bilateral (C)a free (D)a multilateral
14. Pursuant to Article 79 of R.O.C. Civil Code, a contract made by a person limited in capacity to make juridical acts without the approval of his guardian is valid upon the _____ of the guardian.
(A)argument (B)acknowledgement (C)statement (D)holding
15. Pursuant to Article 82 of R.O.C. Civil Code, before the acknowledgement of the contract made by a person who is limited in capacity to make juridical acts, the other party to the contract may _____ it.
(A)suspend (B)assent (C)consent (D)withdraw
16. Pursuant to Article 86 of R.O.C. Civil Code, an expression of intent shall not be void for the expresser did not intend to be _____ by it, except the fact was known to the other party.
(A)binding (B)valid (C)enforced (D)bound
17. Pursuant to Article 88 of R.O.C. Civil Code, Paragraph 2, if a mistake in respect to the _____ of the other party or the nature of a thing is regarded as essential in trade, it shall be deemed a mistake as to the contents of the expression of intent.
(A)legal capacity (B)behavior (C)qualification (D)obligation
18. Pursuant to Article 92 of R.O.C. Civil Code, Paragraph 1, an expression of intent which is procured by fraud or by _____ may be revoked by the expresser.
(A)due process (B)duress (C)ordinance (D)lawsuit
19. Pursuant to Article 99 of R.O.C. Civil Code, Paragraph 1, if a juridical act is subject to a _____ condition, it becomes effective on the fulfillment of the condition. (A)suspenseful (B)due (C)resolutive (D)willful
20. Pursuant to Article 103 of R.O.C. Civil Code, Paragraph 1, an expression of intent which _____ makes in the name of the principal within the scope of his delegated power takes effect directly to the principal.

- (A)a contractor (B)a franchisor (C)an agent (D)a subcontractor
21. Pursuant to Article 118 of R.O.C. Civil Code, Paragraph 1, the _____ of any object which is made by a person without title is effective only upon the acknowledgement of the person entitled.
(A)sale (B)disposition (C)transfer (D)purchase
22. Pursuant to Article 148 of R.O.C. Civil Code, Paragraph 1, a right shall not be _____ for the main purpose of violating public interests or damaging the others.
(A)exercised (B)sued (C)processed (D)revoked
23. Pursuant to Article 148 of R.O.C. Civil Code, Paragraph 2, a right shall be exercised and a duty shall be performed in accordance with the means of _____.
(A)good faith (B)due process (C)bona fide (D)reasonable expectatio

民法債編總論

序號	中 文	英 文
1.	承諾	acceptance
2.	從屬(權利)	accessory (right)
3.	承認	acknowledge
4.	代理人/本人	agent / principal
5.	約定利率	agreed rate of interest
6.	合併	amalgamation
7.	擴張	amplification
8.	負擔、承擔	assume
9.	(債務)承擔	assumption (of debt)
10.	(司法)扣押	(judicial) attachment
11.	拍賣	auction
12.	代理權	authority of agency
13.	惡意	bad faith
14.	受拘束	be bound
15.	視為	be deemed
16.	推定	be presumed
17.	善意(第三人)	bona fide (third party)
18.	情形	circumstances
19.	一致的	concordant
20.	成立、構成	constitute
21.	契約	contract
22.	對待給付	counter-prestation
23.	債權人	creditor
24.	債務	debt
25.	債務人	debtor
26.	被害人、受害人	deceased
27.	表示、主張	declare
28.	給付遲延	default
29.	損害、損傷	detriment
30.	減少	diminution
31.	識別能力	discernment

序號	中 文	英 文
32.	住所地	domicile
33.	定金	earnest money
34.	受雇人	employee
35.	雇用人	employer
36.	排除、不受拘束	excluded
37.	明示	expressly
38.	(債之)消滅	extinction (of obligations)
39.	不作為、忍耐、寬容	forbearance
40.	不可抗力	force majeure
41.	無償行為	gratuitous act
42.	無償地、無端地	gratuitously
43.	重大過失	gross negligence
44.	法定代理人	guardian
45.	督促（程序）	hortatory (process)
46.	默示	impliedly
47.	給付不能	impossibility of performance
48.	準用	mutatis mutandis
49.	依據	in compliance with
50.	不完全給付	incomplete performance
51.	負擔、負有職責的	incumbent on
52.	不可分	indivisible
53.	教唆者	instigators
54.	非對話	inter absentes
55.	對話	inter presentes
56.	連帶債權	joint claim
57.	連帶債權人	joint creditors
58.	連帶債務人	joint debtors
59.	連帶債務	joint obligation
60.	連帶負責	jointly liable
61.	提存	lodgment
62.	無因管理	management of affairs without mandate (negotiorum gestio)
63.	委任	mandate

序號	中 文	英 文
64.	商品製造人	manufacturer
65.	混同、兼併	merger
66.	減少、減輕	mitigate
67.	善良風俗	morals
68.	作了適當的修正	mutatis mutandis
69.	相互義務	mutual obligations
70.	過失地	negligently
71.	金錢以外之給付	non-pecuniary payment
72.	債務不履行	non-performance
73.	公證	notarization
74.	公證	notary public
75.	債	obligations
76.	要約	offer
77.	要約人	offerer
78.	抵銷	offset
79.	一部履行	partial performance
80.	違約金、罰金	penalty
81.	履行、給付	performance
82.	定期給付	periodical performance
83.	人格(權)	personality
84.	多數債權人及債務人	plurality of creditors and debtors
85.	動物占有人	possessor of animal
86.	損及	prejudice
87.	時效	prescription
88.	保全	preservation
89.	給付	prestation
90.	代物清償	prestation in lieu of performance
91.	隱私	privacy
92.	獲得	procure
93.	財產(上損害)	property (loss)
94.	承攬人	proprietor
95.	公共秩序	public policy

序號	中 文	英 文
96.	準（占有人）	quasi (possessor)
97.	受領人	recipient
98.	相互地	reciprocally
99.	買回、贖回	redemption
100.	償還	reimbursement
101.	免除	release
102.	解除	rescind, rescission
103.	回復	restore, restoration
104.	回溯、溯及	retroactive
105.	撤銷	revocation
106.	同時地	simultaneously
107.	支付能力、償付能力	solvency
108.	法定利率	statutory rate
109.	（回復）原狀	（ restoration of ） status quo ante
110.	代位、承接	subrogate
111.	國庫	treasury
112.	受領, 提出	tender
113.	已提出之給付	tendered performance
114.	侵權行為人、加害人	tortfeasor
115.	侵權行為	torts
116.	全部履行	total performance
117.	(債之)移轉	transfer (of obligations)
118.	受讓人	transferee
119.	讓與人	transferor
120.	不當得利	unjust enrichment
121.	撤回、撤銷	withdraw

Choose the best answer:

- The two nations agreed to give _____ work rights to each other's citizens, thus facilitating the daily border crossings of workers from both countries.
(A)equivocal (B)reciprocal (C)corporal (D)protocol
- Since we cannot hear you clearly, we must ask you to _____ your statement.
(A)simplify (B)specify (C)amplify (D)multiply

3. We cannot decide who was the criminal since the two guns fired almost _____.
(A) pertinaciously (B) continuously (C) asynchronously (D) simultaneously
4. The act of _____ tends to prove the authenticity
(A) polarization (B) realization (C) notarization (D) materialization
5. Many dentists refuse to treat school children free because the _____ procedure from the government is long and complicated.
(A) reimbursement (B) parliament (C) reinforcement (D) enforcement
6. _____, also means being without apparent reason, cause, or justification.
(A) essentially (B) gratuitously (C) impetuously (D) ambiguously
7. He was accused of being the _____ of the coup.
(A) instigator (B) escalator (C) calculator (D) speculator
8. You must treat the child with _____.
(A) forbidden (B) appearance (C) forbearance (D) foreshadow
9. Emergency funds are being provided to _____ the effects of the disaster.
(A) aggravate (B) exacerbate (C) motivate (D) mitigate
10. Regulatory _____ describes the goal that corporations or public agencies aspire to achieve in their efforts to ensure the personnel are aware of and take steps to comply with relevant laws and regulations.
(A) complacent (B) compliance (C) suppliance (D) intolerance
11. In some countries, wood accounts for 90% of their energy production, those countries inevitably facing the consequences of environmental _____.
(A) advantage (B) determinant (C) favor (D) detriment
12. In many states in the United States, students must establish a _____ in the state to be eligible for reduced tuition.
(A) reconcile (B) dominant (C) domicile (D) document
13. The bank usually review barrowers' financial records to measure their _____.
(A) solvency (B) solitary (C) solution (D) society

14. The _____ has the right to expect the lessor to make all necessary repairs in a timely manner.
(A) legacy (B) lessee (C) reassess (D) lease
15. It is _____ upon the press to act in society's best interests, but not in its own best interests.
(A) incompatibility (B) incumbent (C) incident (D) incorporation
16. Due to the continuous noise, many residents decided to write letters of _____ to city officials.
(A) romance (B) entrance (C) remonstrance (D) clearance
17. Greenhouse gas is considered the cause of the wide climatic _____.
(A) menstruations (B) illustrations (C) frustrations (D) fluctuations
18. She was given generous _____ for her work.
(A) remunerations (B) nonpayment (C) renunciation (D) numeration
19. The study shows that the middle-class people bear a _____ share of the tax burden.
(A) appropriate (B) disappointed (C) disproportionate (D) prepositive
20. Our _____ includes several famous cathedrals.
(A) itinerary (B) interiority (C) infinity (D) iteration
21. It is _____ for the blood banks to test all donated blood for HIV virus.
(A) discretionary (B) mandatory (C) voluntary (D) mandarin
22. He served as an _____ between the workers and the executives.
(A) Intermingle (B) intermission (C) intermediary (D) interplay
23. 23. In the United States, payment by check easily outnumber cash _____.
(A) transition (B) intersection (C) satisfaction (D) transactions
24. The results of the two studies were _____.
(A) concordant (B) confident (C) blatant (D) malignant
25. The voters hope for a small _____ in income taxes.
(A) diminution (B) intuition (C) resolution (D) nutrition

26. They two parties _____ a temporary agreement.
(A)secured (B)procured (C)accused (D)occurred
27. The defendant drove _____ and hit a lamp post.
(A)degenerately (B)ingeniously (C)negligently (D)diligently
28. In 2013, France derives 16% of the revenue from air _____.
(A)flight (B)fright (C)fries (D)freight
29. The jury reached a _____ verdict of 'not guilty'.
(A)magnanimous (B)pusillanimous (C)unanimous (D)inanimate
30. The company has gone into _____.
(A)liquidation (B)disquisition (C)acquisition (D)inquisition

公司與證券交易法

序號	中文	英文
1.	合格投資人	accredited investor
2.	收購	acquisition
3.	關係企業	affiliated enterprises
4.	關係人	affiliated person
5.	代理成本	agency cost
6.	損失額	amount of loss
7.	年度財務報告	annual financial report
8.	年度報告	annual report
9.	反詐欺條款	anti-fraud provision
10.	股份收買請求權	appraisal right
11.	仲裁	arbitration
12.	公司章程	articles of incorporation
13.	資產基礎證券	asset-backed securities
14.	審計委員會	audit committee
15.	授權資本	authorized share capital
16.	資產負債表	balance sheet
17.	破產	bankruptcy
18.	無記名股票	bearer share
19.	受益所有人	beneficial owner
20.	董事會	board of directors
21.	債券	bond
22.	紅利	bonus
23.	經紀商	broker
24.	商業判斷原則	Business Judgment Rule
25.	辦事細則	bylaws
26.	資本維持	capital maintenance
27.	資本公積	capital reserve
28.	中央銀行	central bank
29.	董事長	chairman of the board of directors
30.	執行長	chief executive officer
31.	民事責任	civil liabilities

序號	中 文	英 文
32.	團體訴訟	class action
33.	普通股	common stock
34.	股份有限公司	company limited by shares
35.	報酬	compensation
36.	薪資報酬委員會	compensation committee
37.	主管機關	competent authority
38.	強制執行	compulsory execution
39.	利益衝突	conflicts of interest
40.	合併股份	consolidation of shares
41.	控制權溢價	control premium
42.	控制股東	controlling shareholder
43.	可轉換公司債	convertible corporate bond
44.	公司債	corporate bond
45.	附認股權公司債	corporate bond with warrant
46.	公司治理	corporate governance
47.	企業社會責任	corporate social responsibility
48.	公司債存根簿	counterfoil of corporate bonds
49.	債權人	creditor
50.	累積投票	cumulative voting
51.	貨幣	currency
52.	保管	custody
53.	損害	damage
54.	事實上董事	de facto director
55.	法律上董事	de jure director
56.	自營商	dealer
57.	債務人	debtor
58.	深石原則	deep rock doctrine
59.	存託憑證	depository receipts , DR
60.	代位訴訟	derivative suit
61.	衍生性商品	derivatives
62.	指令	Directive
63.	董事	director

序號	中 文	英 文
64.	董事失格	director disqualification
65.	董事優先	director primacy
66.	公開	disclosure
67.	歸入權	disgorgement
68.	解任	dismissal
69.	散布	dissemination
70.	解散	dissolution
71.	股利	dividends
72.	適當謹慎的注意	due diligence
73.	誠實揭露義務	duty of candor
74.	注意義務	duty of care
75.	忠實義務	duty of loyalty
76.	員工	employee
77.	背書	endorsement
78.	權益證券	equity securities
79.	執行業務股東	executive shareholder
80.	豁免證券	exempted securities
81.	豁免交易	exempted transaction
82.	臨時動議	extraordinary motion
83.	受託義務	fiduciary duty
84.	金融集團	financial conglomerate
85.	財務報告	financial report
86.	財務報表	financial statement
87.	金融監理	financial supervision
88.	預測	forecast
89.	外國公司	foreign company
90.	認股書	forms of subscription
91.	經銷權	franchise
92.	詐欺	fraud
93.	對市場詐欺或詐欺市場	fraud on the market
94.	期貨	futures
95.	避險基金	hedge fund

序號	中 文	英 文
96.	控股公司	holding company
97.	創立會	inaugural meeting
98.	補償	indemnification
99.	獨立董事	independent director
100.	獨立專家	independent expert
101.	指數	index
102.	內線消息	inside information
103.	內部人	insider
104.	內線交易	insider trading 或 insider dealing
105.	無力清償;破產	insolvent
106.	檢查人	inspector
107.	機構投資人	institutional investor
108.	內部控制	internal control
109.	投資顧問	investment adviser
110.	投資公司	investment company
111.	投資人保護	investor protection
112.	發行	issuance
113.	發行人	issuer
114.	合資企業	joint venture
115.	法定盈餘公積	legal reserve
116.	融資合併	leveraged buyout
117.	有限公司	limited company
118.	有限責任	limited liability
119.	清算	liquidation
120.	清算人	liquidator
121.	上市公司	listed companies
122.	上市	listing
123.	損失因果關係	loss causation
124.	經理人	managerial officer
125.	常務董事	managing director
126.	保證金	margin
127.	融資	margin purchases

序號	中 文	英 文
128.	造市者	market maker
129.	市場操縱	market manipulation
130.	相對委託	matched order
131.	合併	merger
132.	併購	mergers and acquisitions
133.	最低資本要求	minimum capital requirements
134.	少數股東	minority shareholder
135.	少數股東	minority shareholders
136.	私取理論	misappropriation theory
137.	不實陳述	misrepresentation
138.	洗錢	money laundering
139.	共同基金	mutual fund
140.	收購人	offeror
141.	境外公司	offshore company
142.	隱匿	omission
143.	選擇權	option
144.	普通決議	ordinary resolution
145.	已發行股份	outstanding shares
146.	店頭市場	over-the-counter market , OTC
147.	母公司	parent company
148.	合夥	partnerships
149.	揭穿公司面紗	piercing the corporate veil
150.	優先認股權	preemptive right
151.	優先股	preferred share
152.	初級市場	primary market
153.	初次發行	primary offer
154.	私募	private placement
155.	發起人	promoter
156.	公開說明書	prospectus
157.	委託書	proxy
158.	委託書徵求	proxy solicitation
159.	公開發行公司	public company

序號	中 文	英 文
160.	募集	public offer
161.	認許	recognition
162.	登記	registration
163.	重整	reorganization
164.	重整計畫	reorganization plan
165.	重整監督人	reorganization supervisor
166.	買回	repurchase
167.	決議	resolution
168.	次級市場	secondary market
169.	再次發行	secondary offer
170.	擔保公司債	secured corporate bond
171.	有價證券	securities
172.	證券公司	securities firm
173.	證券市場	securities market
174.	證券化	securitization
175.	自律組織	self-regulatory organization
176.	半年度財務報告	semi-annual financial report
177.	企業所有企業經營分離	separation of ownership and control
178.	和解	settlement
179.	幕後董事	shadow director
180.	股份	share
181.	股東	shareholder
182.	股東行動主義	shareholder activism
183.	股東優先	shareholder primacy
184.	股東提案權	shareholder proposal
185.	股東名簿	shareholders' roster
186.	股東會	shareholders' meeting
187.	簡易合併	short-form merger
188.	短線交易	short-swing trading
189.	特別股	special shares
190.	分割	split-up
191.	利害關係人	stakeholder

序號	中 文	英 文
192.	股票	stock
193.	證券交易所	stock exchange
194.	股票選擇權計畫	stock option plan
195.	從屬公司	subordinate company
196.	次順位公司債	subordinated corporate bond
197.	認股人	subscriber
198.	子公司	subsidiary company
199.	監察人	supervisor
200.	交換	swap
201.	目標公司	target company
202.	公開收購	tender offer 或 takeover bid
203.	假決議	tentative resolution
204.	消息受領人	tippee
205.	消息傳遞者	tipper
206.	交易因果關係	transaction causation
207.	庫藏股	treasury share
208.	越權行為法則	ultra vires doctrine
209.	承銷商	underwriter
210.	無限公司	unlimited company
211.	表決權拘束契約	voting agreement
212.	表決權	voting right
213.	權證	warrant
214.	沖洗買賣	wash sale

Choose the best answer:

- When a company's shareholders' meeting reaches the unanimous agreement of dissolution, the company will generally cease to carry on business at that time and start the process of _____ before dissolution.
(A) reincorporation (B) acquisition (C) liquidation (D) consolidation
- When a corporation earns a profit or surplus, that money can be put to two uses. It can either be re-invested in the business, or it can be paid to the shareholders as _____.
(A) dividends and bonuses (B) segments and reserves

- (C)divisions and premiums (D)sections and portions
3. A director of a listed company learns material non-public information regarding the possible huge loss of the company, and prior to the disclosure of such information, the director sells shares of the company. Such an act is a violation of the rule against _____ .
(A)short swing (B)related party transaction
(C)insider trading (D)misrepresentation
4. “Short selling is a device whereby the speculator sells stock which he does not own, anticipating that the price will decline and that he will thereby be enabled to make delivery of the stock sold by purchasing it at a lesser price.” Based on the above description, if the decline materializes, what is the short seller’s profit?
(A) The difference between the first purchase price and the second lower sales price
(B) The difference between the first purchase price and the second lower purchase price
(C) The difference between the first sales price and the second lower sales price
(D) The difference between the first sales price and the second lower purchase price
5. The combination of two or more companies, where the original companies cease to exist, a new company arises instead, and where existing stockholders of the original companies retain a shared interest in the new company, is called a _____ .
(A)merger (B)acquisition (C)hostile takeover (D)asset purchase
6. Where a company that publicly issues shares or corporate bonds suspends its business or there is an expectation that such company will suspend its business due to financial difficulty, but there remains a possibility for such company may be re-constructed or rehabilitated, such company or any of the interested parties may apply to the court for _____ .
(A)liquidation (B)consolidation (C)dissolution (D)reorganization
7. Big Corporation owns 95% of Little Corporation’s shares. Little Corporation may be merged into Big Corporation without the approval of the shareholders of either corporation. This type of merger is called _____ .
(A)short-form merger (B)whale/minnow merger
(C)triangular merger (D)de facto merger

8. “During 1990, the New York Stock Exchange (NYSE) traded 39.7 billion shares, while the National Association of Securities Dealers Automated Quotations (NASDAQ) traded 33.4 billion shares. NASDAQ’s phenomenal growth was not envisioned by its founders, who intended it primarily as a quotation system to provide information with respect to securities not considered sufficiently seasoned to list on a securities exchange.” The word “seasoned” can be BEST replaced by the word _____.
(A) flavored (B) experienced (C) salty (D) unprofessional
9. What is the term for a for-profit company, organized under the laws of another country, but authorized by the R.O.C. government to transact business in R.O.C.?
(A) A third party company (B) A diplomatic company (C) A foreign company
(D) A certified company
10. Which of the following terms refers to two or more independent enterprises that have made investments between or amongst each other, held by the same major shareholder, or share a controlling/subordinate relationship with each other?
(A) Major and minor companies (B) Sister companies (C) Licensor and licensee (D) Affiliated enterprises
11. “The laws and rules that govern the securities industry derive from a simple and straightforward concept: all investors, whether large institutions or private individuals, should have access to certain basic facts about an investment prior to buying it, and so long as they hold it.” To achieve the above goal, the government authority will most likely require public companies to _____.
(A) disclose meaningful information (B) abstain from trading shares
(C) avoid self-dealing transactions (D) establish an internal control mechanism
12. “One anti-takeover charter amendment is a provision requiring a supermajority vote – say 80 percent of the common shares instead of the usual bare majority rule – in order to effect a merger or sale of all assets.” Which of the following cannot be derived from the above description?
(A) The purpose of supermajority vote is to make a takeover somewhat harder and riskier.
(B) Supermajority vote would not absolutely block a takeover attempt, especially by a bidder willing to buy all the target stock.
(C) The anti-takeover tactic of supermajority vote requires a charter amendment.
(D) The anti-takeover tactic of supermajority vote shall be approved by the board of directors.

13. An _____ is defined as an overt act done in pursuance of an intent to do a specific crime, tending to the end but falling short of complete accomplishment of it. In law, the definition must have this further qualification that the overt act must be sufficiently proximate to the intended crime to form one of the natural series of acts which the intent requires for its full execution.
(A) assault (B) assent (C) attain (D) attempt
14. A request that a corporate shareholder authorizes another person to cast the shareholder's vote at a corporate meeting is a _____ .
(A) voting trust (B) proxy solicitation (C) voting agreement (D) sale of control
15. Which of the following is not the duty of a liquidator when a company is in the liquidation process?
(A) To promote the business of the company.
(B) To collect all outstanding debts and to pay off all claims.
(C) To allocate surplus or loss.
(D) To allocate the residual assets.
16. "A corporation offering and selling its securities to the public has to file a registration statement with the competent authority. The registration statement automatically becomes effective 20 days after it is filed with the competent authority, at which point the issuer is free to sell the registered securities to the public. However, the competent authority has certain powers to delay or suspend the effectiveness of the registration statement if it appears that the statement is on its face incomplete or inaccurate in any material respect." Based on the above description, which of the following is not a part of the securities registration process?
(A) Discuss the terms of the offering with the competent authority.
(B) Prepare the registration statement by the issuer.
(C) File the registration statement with the competent authority.
(D) Wait for a certain period of time before the registration statement becomes effective.
17. During the public offering, issuing, private placement, or trading of securities, there shall be no misrepresentations, frauds, or any other acts which are sufficient to mislead other persons. The word "misrepresentation" can be best explained by the term of _____.
(A) concealment (B) false assertion (C) accurate statement (D) non-disclosure

18. According to Taiwan Corporation Law, which of the following matters in a company limited by shares does not need to be stipulated in the Articles of Incorporation to take effect?
- (A) The number of shares to be issued upon incorporation of the company, if the total authorized numbers of shares are to be issued in installments.
(B) The kind of special shares and the rights and obligations covered by such shares.
(C) The annual business plan.
(D) The cause(s) for dissolution of the company.
19. “Securities Law entitles the purchaser to sue the issuer, underwriter, certified public accountant and lawyer with respect to any material misstatements or omissions in the prospectus. However, except to the issuer, which has absolute liability for any material misstatements or omissions, Securities Law provides an affirmative defense for any other defendant who can demonstrate that he/she met a prescribed standard of diligence with respect to the information contained in the prospectus.” Based on the above description, what kind of liability the issuer has?
- (A) Strict liability (B) Negligent liability
(C) No liability (D) Presumption of negligence
20. “Scienter” means a mental state consisting in an intent to deceive, manipulate, or defraud. In this sense, the term is used most often in the context of securities fraud. The court has held that to establish a claim for damages under securities fraud, a plaintiff must prove that the defendant acted with scienter. Based on the above, the word “scienter” can be BEST replaced by the word of _____.
- (A) knowledge (B) causation (C) innocence (D) action
21. The regulations governing the relationship between the shareholders and directors of a company and required for the establishment of a company are:
- (A) Articles of Incorporation. (B) Regulations of Incorporation.
(C) Laws of Incorporation. (D) Files of Incorporation.
22. The idea behind incorporation is that the rights and liabilities of a corporation are separate and distinct from those of its shareholders. However, creditors of a company can ask a court to “ _____ ,” and set aside a company’s identity as a juristic person and reach the company owners and shareholders’ personal assets.
- (A) pierce the corporate shell (B) pierce the corporate veil
(C) cover the corporate shell (D) cover the corporate veil

23. “A tender offer is an offer to stockholders of a publicly-held corporation to exchange their shares for cash or securities at a price higher than the previous market price. A tender offer is the most common way of carrying out a hostile takeover.” Which of the following can NOT be derived from the above description?
- (A) The price offered in a tender offer transaction is often with a premium.
 - (B) A tender offer is usually an unfriendly acquisition of the target company.
 - (C) The target’s shareholders will get cash or shares if they tender their shares.
 - (D) An acquirer of a closely-held company can launch a tender offer.
24. Debt security is issued by a company and sold to investors, usually to raise money in order to expand its business. In certain situations, the company’s assets may be used as collateral. This debt security is usually called _____.
- (A) shareholder debt
 - (B) corporate bond
 - (C) blank check
 - (D) corporate liability
25. The term “capital market” is generally used to refer to those markets that deal in long-term financial instruments, such as stock, bonds, mortgage, etc., while the term “money market” describes those markets in which short-term debt instruments (typically, having a maturity under one year) are issued and traded. Therefore, which one of the followings is generally NOT considered to be an instrument in the capital market?
- (A) Commercial paper
 - (B) Common share
 - (C) Preferred share
 - (D) Government bond

保險法

序號	中 文	英 文
1.	年金(保險)	annuity (insurance)
2.	受益人	beneficiary
3.	暫保單	binder
4.	保證保險	bonding insurance
5.	(保險)經紀人	(insurance) broker
6.	共保	co-insurance
7.	複保險	double insurance
8.	地震危險	earthquake risk
9.	火災保險	fire insurance
10.	不可抗力	force majeure
11.	喪葬費用	funeral expense
12.	善意	good faith
13.	健康保險	health insurance
14.	賠償、補償	indemnify, indemnification
15.	意外傷害	injury by accident
16.	保險利益	insurable interest
17.	保險	insurance
18.	保險代理人	insurance agent
19.	保險業	insurance enterprise
20.	人身保險	insurance of the person
21.	保險單	insurance policy
22.	被保險人	insured
23.	保險金額	insured amount
24.	保險人	insurer
25.	無形利益	intangible interests
26.	陸空保險	land and air insurance
27.	責任保險	liability insurance
28.	人壽保險	life insurance
29.	海上保險	marine insurance
30.	不實說明	misrepresentation
31.	道德義務	moral obligation

序號	中 文	英 文
32.	準用	mutatis mutandis
33.	未告知、遺漏	nondisclosure
34.	保單價值準備金	non-forfeiture value
35.	財產保險	non-life insurance
36.	超額保險	over-insurance
37.	分損	partial loss
38.	(承保)風險	(insured) peril
39.	傷害保險	personal injury insurance
40.	保險費	premium
41.	要保人	proposer
42.	返還、償還	reimburse, reimbursement
43.	再保險	reinsurance
44.	(據實)說明	(truthful) representation
45.	解除 (契約)	rescind (the contract)
46.	準備金	reserve funds
47.	危險分散	risk spreading
48.	社會保險	social insurance
49.	(保險)業務員	(insurance) solicitor
50.	(保險)標的	subject-matter (insured)
51.	保險代位	subrogation
52.	保險價額	sum insured
53.	(保險)公證人	surveyor
54.	全損	total loss
55.	不足額保險	under- insurance
56.	不當受益	undue profit
57.	不定值保單	unvalued policy
58.	定值保單	valued policy
59.	故意行為	willful act

海商法

序號	中 文	英 文
1.	委棄、放棄、委付	abandon
2.	附屬費	accessory
3.	天災	act of god
4.	對物訴訟	action in rem
5.	屬具	appurtenance
6.	仲裁	arbitration
7.	假扣押	arrest
8.	光船租船	bareboat charter
9.	載貨證券	bill(s) of lading
10.	運河	canal
11.	海上捕獲	capture
12.	貨物運送	carriage of cargo
13.	旅客運送	carriage of passenger
14.	運送人	carrier
15.	租傭船契約	charter party
16.	租傭船人	charterer
17.	碰撞	collision
18.	共同海事冒險	common adventure
19.	受貨人	consignee
20.	貨櫃	container
21.	違禁品	contraband
22.	分擔價格	contributory value
23.	船舶共有	co-owned ship
24.	遲延、遲到	delay
25.	交貨、交付	deliver
26.	光船租船	demise charter
27.	偏航	deviation
28.	災難	disaster
29.	卸載、卸船	discharging
30.	下船登岸	disembark
31.	墊艙	dunnage

序號	中 文	英 文
32.	登船、乘船	embarkation
33.	設備	equipment
34.	不可抗力	force majeure
35.	運費	freight
36.	共同海損	general average
37.	共同海損分擔	general average contribution
38.	港埠費	harbor charges
39.	持有人	holder
40.	固有瑕疵	inherent defect
41.	包裝不固	insufficiency of packing
42.	標誌不足或不符	insufficiency or inadequacy of marks
43.	國際貨幣基金	International Monetary Fund
44.	投棄	jettison
45.	共同檢定	joint survey
46.	穩固、繫固	lashing
47.	隱有瑕疵	latent defect
48.	保證書	letter of undertaking
49.	責任限制	limitation of liability
50.	裝載、裝船	loading
51.	行李	luggage
52.	海上保險	marine insurance
53.	海事優先權	maritime liens
54.	(船舶)抵押權	(ship) mortgages
55.	航行	navigation
56.	準備完成通知	notice of readiness
57.	核子物質	nuclear substances
58.	油污染	oil pollution
59.	甲板上	on deck
60.	所有權	ownership
61.	包裝	package
62.	單位責任限制	package limitation
63.	墊板	pallet

序號	中 文	英 文
64.	私人物品	personal belonging
65.	引水	pilotage
66.	目的港	port of destination
67.	保全程序	precautionary proceedings
68.	表面證據	prima facie evidence
69.	公共敵人	public enemies
70.	檢疫限制	quarantine restriction
71.	登記所有權人	registered owner
72.	留置權	right of retention
73.	犧牲	sacrifice
74.	海難救助	salvage
75.	救助報酬	salvage remuneration
76.	海員	seafarer
77.	船舶適航性	seaworthiness
78.	扣押、查封	seizure
79.	船舶	ship
80.	船舶建造	shipbuilding
81.	船長	shipmaster
82.	船舶所有人	shipowner
83.	託運人	shipper
84.	船舶總登記噸位	ship's registered gross tonnage
85.	特別提款權	Special Drawing Rights
86.	儲存	stowage
87.	罷工	strike
88.	繳還	surrender
89.	理貨	tally
90.	客票	ticket
91.	票價	ticket fare
92.	論時租船	time charter
93.	被拖船	tow
94.	船舶拖帶	towage
95.	毒性化學物質	toxic chemical substances

序號	中 文	英 文
96.	拖船	tug
97.	大批量契約	volume contract
98.	航程、航次	voyage
99.	航次傭船、論航傭船	voyage charter
100.	殘骸移除	wreck removal

民事訴訟法

序號	中 文	英 文
1.	民事訴訟費用法	Act Governing Fees of Civil Actions
2.	確認訴訟	administrative actions for declaration
3.	積極答辯	affirmative defense
4.	訴訟代理人	agent ad litem
5.	更正訴訟程序性的錯誤	amendment to correct litigation procedural errors
6.	答辯狀	answer
7.	適用法規顯有錯誤	apparent error in law / clearly erroneous in the application of law
8.	抗告案件	appeals against rulings
9.	上訴案件	appeal cases
10.	駁回上訴	appeals dismissed
11.	上訴人	appellant
12.	被上訴人	appellee
13.	仲裁判斷	arbitration award
14.	輔佐人	assistants
15.	認證	authentication
16.	既判力	binding force
17.	舉證責任	burden of proof
18.	證據優勢（美國，非我國）	burden of proof by preponderance of the evidence
19.	當事人能力	capacity to be a party
20.	民事訴訟事件	cause of action
21.	民事保全程序	civil injunctive procedure
22.	民事爭點整理	civil issues coordination
23.	民事訴訟	civil litigation/civil lawsuit
24.	民事調解事件	civil mediation cases
25.	集團訴訟（美國，非我國）	class action
26.	民事訴訟法	Code of Civil Procedure
27.	禁反言原則	collateral estoppel

序號	中 文	英 文
28.	起訴狀	complaint
29.	法治國	constitutional state
30.	反訴	counterclaim
31.	訴訟費用	court costs and expenses
32.	第一審法院（地方法院）	court of the first instance/District Court
33.	第二審法院（高等法院）	court of the second instance/Appellate
34.	第三審法院	court of the third instance
35.	損害賠償	damages
36.	被告	defendant
37.	被告及訴訟代理人席	defendant and agent ad litem
38.	證明力	degree of proof
39.	延滯訴訟	delay of the proceedings
40.	命提供擔保	demanding security
41.	法院外就訊證人之證詞	depositions
42.	事證開示程序（美國，非我國）	discovery or disclosure procedure
43.	自由心證原則	doctrine of discretionary evaluation of evidence
44.	舉證責任分配之法則	doctrine of distribution of the burden of proof
45.	證書保存事件	document preservation cases
46.	正當法律程序	due process of law
47.	說明理由之義務	duty to give reasons
48.	法院之闡明義務	elucidative obligation of court
49.	民事訴訟法施行法	Enforcement Act of Civil Procedure Code
50.	法律上地位平等	equality of legal standing
51.	證據	evidence
52.	鑑定人/專家證人	expert witness
53.	延展期間	extension period
54.	第一審	first instance
55.	繼續審判	further proceedings
56.	無理由	groundless

序號	中 文	英 文
57.	高等法院	High Court
58.	爭點排除效	issue preclusion
59.	獨立參加人	independent interventor
60.	訴訟參加	intervention
61.	客觀訴之合併	joinder of claims
62.	追加共同訴訟人	joinder of parties
63.	法官	judge
64.	判決書	judgment
65.	管轄	jurisdiction
66.	判決不適用法規或適用不當	law not applied to or wrongly applied to judgment
67.	法定程序	legal procedure
68.	訴訟代表人	legal representative
69.	訴訟行為	litigation act
70.	訴訟救助	litigation in forma pauperis
71.	訴訟種類	litigation type
72.	敗訴	losing suit
73.	物證	material objects as evidence
74.	法律見解歧異	mere differences in legal interpretations
75.	向法院/法官就訴訟本身提出之聲請	motion
76.	再審之訴	motion for new trial/motion for retrial
77.	聲明異議	motion of objection
78.	訴之撤回動議	motion to dismiss
79.	抗告	motion to set aside court rulings
80.	通知書	notification
81.	相對人	opposite party
82.	言詞辯論	oral arguments
83.	一部勝訴一部敗訴	partly winning suit and partly losing suit
84.	當事人	party/litigant
85.	不變期間	peremptory period
86.	普通審判籍	personal jurisdiction

序號	中 文	英 文
87.	原告	plaintiff
88.	當事人書狀	pleadings
89.	判例	precedent(s)
90.	法律之可預見性	predictability of law
91.	推定	presume
92.	準備程序會議（美，非我國）	pre-trial meetings
93.	突襲性裁判之防止	prevention from surprise judgment
94.	法律明確性原則	principle of clarity and definiteness of law
95.	訴訟能力	procedural capacity
96.	給付訴訟	proceeding for payment or performance
97.	假扣押	provisional attachment
98.	假處分	provisional injunction
99.	法官之迴避	recusal of judges ; recusal by a judge
100.	發回或發交更審	remand or assign a case appeals
101.	救濟方法	remedies
102.	裁定駁回	repealed rulings
103.	一事不再理	res judicata
104.	第三人撤銷訴訟	revocation action by a third party
105.	上訴權	right of appeal
106.	訴訟權	right of instituting legal proceedings
107.	聽審權	right to be heard/ right to hearing
108.	受告知權	right to be informed
109.	裁定	ruling
110.	第二審	second instance
111.	自我負責機制	self-responsible mechanism
112.	送達	service (of process)
113.	和解	settlement
114.	簡易訴訟程序事件	simple proceeding cases
115.	小額訴訟程序事件	small claim cases
116.	證明妨礙	spoliation of evidence
117.	判決先例拘束原則	stare decisis

序號	中 文	英 文
118.	法定期間	statutory period/statute of limitation
119.	訴訟程序之停止	stay (of litigation proceedings)
120.	訴訟標的金額	subject-matter amounts of money
121.	訴訟標的管轄權	subject matter jurisdiction
122.	證人到場通知	subpoenas
123.	最高法院	Supreme Court
124.	停止訴訟程序	suspend the pending procedure
125.	當事人對抗制度	the adversary system
126.	當事人提出原則 (廣義)	the party presentation principle
127.	第三審	third instance
128.	移送管轄	transfer of jurisdiction
129.	管轄法院	venue
130.	陪審團判決 (與法官判決 judgment 相異)	verdict
131.	陪審團選拔制度	voir dire
132.	自行迴避	voluntary recusal
133.	勝訴	winning suit
134.	撤回上訴	withdrawn
135.	證人	witness
136.	書面通知	written notice

Choose the best answer:

- Which of the following is the correct description of “Civil Procedure” ? (102 司法官第 69 題)
 - Annual examination that must be taken by many who wish to become government employees.
 - The rules applicable to constitutional civil rights claims, such as an alleged denial of due process of law.
 - The rules applicable to civil litigation.
 - Court-enforced rules of civility, especially as they may apply to trial lawyers.
- Pursuant to Article 116 of R.O.C. Code of Civil Procedure, “Parties may submit to the court by telefax or by any other technological devices, and _____ so submitted shall take full effect as if they were submitted in the original copy.”

- (102 司法官第 68 題)
(A) application form (B) pleadings (C) transcriptions (D) verdicts
3. Pursuant to Article 1 of R.O.C. Code of Civil Procedure, “A defendant may be sued in the court for the place of the defendant’s domicile or, when that court cannot exercise _____, in the court for the place of defendant’s residence.” (101 司法官第 69 題)
(A) sovereignty (B) judgment (C) immunity (D) jurisdiction
4. Regarding the settlement proceeding under R.O.C. Code of Civil Procedure, which one of the following is incorrect? (100 司法官第 63 題)
(A) When both parties are close to agreeing on a settlement, they may ask the court to provide a settlement proposal within the scope specified by the parties.
(B) Where settlement is reached, a settlement transcript shall be made in writing.
(C) The court may seek settlement at any time irrespective of the phase of the proceeding reached
(D) A final settlement shall not have the same effect as a final judgment, which means the settlement has no binding effect.
5. _____ means power and authority of a court to hear and determine a judicial proceeding, and power to render particular judgment in question. (100 司法官第 64 題)
(A) Territoriality (B) Jurisdiction (C) Administration (D) Petition
6. Morgan has been sued in a competent court in a civil case. It means that he has the obligation to _____ before the court. (100 律師第 70 題)
(A) reach (B) approach (C) arrive (D) appear
7. The defendant has to send a(n) _____ as his pleading to the court.
(A) Answer (B) Affirmative Defense (C) Complaint (D) Service
8. _____ is when two or more persons may sue or be sued as co-parties under the R.O.C. Code of Civil Procedure.
(A) Joint custody (B) Joinder of claims (C) Joinder of parties (D) Joint review
9. A _____ is a request you submit to the court or judge to obtain decisions regarding specific aspects of the civil procedures during an on-going trial.

- (A) complaint (B) motion (C) Answer (D) Pleadings
10. Pursuant to Article 123 of R.O.C Code of Civil Procedure, “Except as otherwise provided, _____ will be administered by the court clerk on his/her own authority.”
(A) service of delivery (B) service of proceedings (C) subpoenas (D) service of process
11. Pursuant to Article 168 of R.O.C. Code of Civil Procedure, “When a party dies, the proceeding shall be _____ automatically until his/her heir, executor of estate, or any other person who by operation of laws and regulations shall continue the action assumes the action.”
(A) stopped (B) stayed (C) stilled (D) stood
12. Pursuant to Article 68 of R.O.C. Code of Civil Procedure, “Only an attorney may act as an _____, except where the presiding judge permits a person who is not an attorney to act as an _____.”
(A) advocate (B) advisor (C) assistant (D) arbitrator
13. A _____ is a written formal decision made by the court following a lawsuit.
(A) verdict (B) judgment (C) decision (D) ruling
14. In Anglo-American Civil Procedure, a decision made by the jury after their fact-finding deliberations is called _____.
(A) verdict (B) judgment (C) decision (D) ruling
15. Pursuant to Article 277 of R.O.C. Code of Civil Procedure, “A party bears the _____ with regard to the facts which he/she alleges in his/her favor, except either where the law provides otherwise or where the circumstances render it manifestly unfair.”
(A) cause of action (B) degree of proof (C) discovery (D) burden of proof
16. Pursuant to Article 326-8 of R.O.C. Code of Civil Procedure, “Where the action is for the payment of money, other replaceable objects or securities and the price or claim value is not more than NTD 100,000, then the provisions of this Chapter on _____ shall apply.”
(A) Simple-Proceedings (B) Small-Remedies Proceedings (C) Small-Claims

Proceedings (D) Small-Cost Proceedings

17. A(n) _____ is someone who has the qualification to give testimony on specialized subjects.
(A) expert witness (B) authoritative witness (C) predominant witness (D) specialist witness
18. A(n) _____ is when the losing party is unsatisfied with the final judgment and wants a higher court to review the case to possibly reverse the lower court.
(A) argument (B) appeal (C) authentication (D) answer
19. Regarding the service of process, which of the following is incorrect:
(A) Service of process will be administered by the parties by their own authority.
(B) Service of process shall be effectuated by an execution officer or post office delegated by the court clerk.
(C) Service shall be made by delivering a written copy of photocopy of the paper purported to be served
(D) After the service is completed, the service report shall be signed, or impressed by seal or fingerprints of the person receiving service.
20. Regarding oral argument, which of the following is incorrect:
(A) Oral-argument sessions start with the parties stating their respective demands for judgment for the relief sought.
(B) During an oral argument, a party should make factual and legal statements regarding matters involved in the action.
(C) The presiding judge shall exercise care when directing the parties to present appropriate and complete arguments about the facts and the laws regarding the matters involved in the action.
(D) A judge that did not preside over the oral arguments may write the judgment.

刑法與刑事訴訟法

序號	中 文	英 文
1.	教唆	abduction
2.	綁架	abet
3.	墮胎	abortion
4.	從犯	accessory
5.	控訴	accusation
6.	被告	accused
7.	客觀構成要件	actus reus
8.	已決少年犯	adjudicated delinquent
9.	裁決	adjudication
10.	裁決聽證	adjudicatory hearing
11.	辯護人、律師	advocate
12.	不在場證明	alibi
13.	犯罪事實的陳述（指少年犯罪）	allegation of delinquency
14.	特赦	amnesty
15.	上訴	appeal
16.	逮捕	apprehension
17.	傳訊（英美刑事訴訟上之正式程序，內容包含 1.法院傳喚被告到庭 2.向其宣讀訴狀 3.由被告就訴狀所控罪行進行答辯）	arraignment
18.	逮捕	arrest
19.	逮捕令	arrest warrant
20.	縱火	arson
21.	襲擊	assault
22.	估價	assessment
23.	交保	bail
24.	保釋保證書	bail bond
25.	法警	bailiff
26.	妓院	bawdy house
27.	重婚	bigamy
28.	恐嚇	blackmail
29.	專業陪審團	blue ribbon jury

序號	中 文	英 文
30.	賄賂	bribery
31.	霸凌	bullying
32.	死刑犯罪	capital offence
33.	死刑	capital punishment
34.	被指控的犯罪、控告	charge
35.	社區司法委員會	community justice panel
36.	減刑	commutation
37.	損害賠償	compensation
38.	原告、起訴者	complainant
39.	起訴狀	complaint
40.	自白	confession
41.	秘密通訊	confidential communications
42.	機密、秘密；可以信賴的品質、受到信任的能力	confidentiality
43.	雙方同意的判決	consent eecree
44.	共謀	conspiracy
45.	藐視法庭	contempt of court
46.	違禁品	contraband
47.	矯正機構	correctional institution
48.	輔導、諮詢	counseling
49.	法院活動	court events
50.	法庭熟悉	court familiarization
51.	軍事審判	Court Martial
52.	犯罪現場調查員	Crime Scene Investigator
53.	刑事簡易程序	criminal summary
54.	刑事傳票	criminal summons
55.	刑事審判	criminal trial
56.	交互詰問	cross examination
57.	酷刑	cruel and unusual punishment
58.	拘留	custody
59.	辯護律師	defense attorney
60.	過失、瀆職、少年違法行為	delinquency

序號	中 文	英 文
61.	少年法	Delinquent Act
62.	驅逐出境	deportation
63.	拘留	detention
64.	外交豁免	diplomatic immunity
65.	裁決	disposition
66.	聽審	dispositional hearing
67.	地區檢察官	district attorney
68.	轉向	diversion
69.	侵占	embezzle
70.	誘捕	entrapment
71.	客體錯誤	error in objecto
72.	證據	evidence
73.	消除	expungement
74.	引渡	extradition
75.	重罪	felony
76.	偽造文書	forgery
77.	詐欺	fraud
78.	逃犯	fugitive
79.	悲傷	grieve
80.	認罪答辯	guilty plea
81.	中途之家	Halfway House
82.	異教罪	Heresy
83.	侵入住居	home invasion
84.	居家監禁	house arrest
85.	人口販運	human trafficking
86.	法律錯誤	ignorance of the law
87.	關押、監禁	incarceration
88.	事件、附帶條件、附屬物	incident
89.	監獄犯人	inmate
90.	心神喪失	insanity
91.	調查	investigation
92.	裁判	judgment

序號	中 文	英 文
93.	法官失職	judicial misconduct
94.	司法官員	judicial officer
95.	管轄權、審判權；管轄區域	jurisdiction
96.	陪審團	jury
97.	陪審團主席	jury foreman
98.	陪審團除罪特權	Jury Nullification
99.	阻卻違法事由	justification
100.	未成年人	juvenile
101.	竊盜	larceny
102.	監護	legal custody
103.	治安法官	magistrate
104.	惡意起訴	malicious prosecution
105.	致死罪	manslaughter
106.	重傷罪	mayhem
107.	主觀構成要件	mens Rea
108.	精神上傷害	mental trauma
109.	違法審判	miscarriage of justice
110.	輕罪	misdemeanor
111.	無效審判	mistrial
112.	洗錢	money laundering
113.	互毆	mutual combat
114.	不爭執也不認罪的答辯	nolo contendere
115.	無陪審團的審判	non-jury trials
116.	通知函	notification booklet
117.	宣誓	oath
118.	妨礙司法公正	obstruction of justice
119.	違法者、罪犯	offender
120.	起訴陳訴	opening statement
121.	法規	ordinance
122.	赦免	pardon
123.	假釋	parole
124.	刑法典	Penal Code

序號	中 文	英 文
125.	偽證	perjury
126.	對人身傷害的犯罪	personal injury crime
127.	海盜罪	Piracy
128.	明顯錯誤	plain error
129.	答辯	plea
130.	認罪協商	plea bargain
131.	測謊	polygraph
132.	一夫多妻	polygyny
133.	猥褻物	pornography
134.	預審	preliminary hearing
135.	判決前調查	presentence investigation
136.	審前報告	pre-sentence report
137.	審前會議	pretrial conference
138.	表面證據案件	prima facie case
139.	自訴	private complaint
140.	相當理由	probable cause
141.	鑑定、檢驗；緩刑	probation
142.	檢察官	prosecutor
143.	賣淫	prostitute
144.	心理的、精神上的	psychological
145.	贖金	ransom
146.	追償、償還	reimbursement
147.	救濟	remedy
148.	返還原物、回復原狀	restitution
149.	修復式司法	restorative justice
150.	強盜	robbery
151.	從輕適用原則	Rule of Lenity
152.	煽動犯罪	sedition
153.	被扣押的	seized
154.	刑事判決；（判決所確定的）刑罰	sentence
155.	（糾紛或訴訟的）和解；（債務的）支付、清償；（遺囑或遺產的）完全執行；（財產的）分配、設定（通常指財產所有人以	settlement

序號	中 文	英 文
	遺囑等方式為財產分配，包括委託受託人代為管理和執行遺產，以及夫妻婚前財產設定等)	
156.	性侵害	sexual assault
157.	性騷擾	sexual harassment
158.	伊斯蘭法	Sharia Law
159.	陳述	statement
160.	嚴格責任	strict liability
161.	訴訟	suit
162.	簡易程序傳喚	summary citation
163.	簡易程序犯罪	summary offense
164.	簡易交通違規犯罪	summary traffic offenses
165.	傳票	summons
166.	嫌疑犯	suspect
167.	竄改	tamper
168.	逃稅	tax evasion
169.	證詞	testimony
170.	竊盜	theft
171.	第三人	third party
172.	刑求	torture
173.	創傷	trauma
174.	審理、審判	trial
175.	(陪審團的)一致裁決	unanimous verdict
176.	非法集會	unlawful assembly
177.	流浪漢	vagrant
178.	審判籍	venue
179.	(陪審團的)評決；(無陪審團審判時)法官的裁決	verdict
180.	被害人陳述	victim impact statement
181.	令狀	warrant
182.	誤判	wrongful conviction
183.	少年犯	young offender

Cloze Test:

1. Criminal law is the body of law that relates to _____ .
2. It regulates social conduct and _____ threatening, harming, or otherwise endangering the health, safety, and moral welfare of people.
3. It includes the _____ of people who violate these laws.
4. Criminal law differs from _____ law, whose emphasis is more on dispute resolution and victim compensation than on punishment.
5. Criminal law is _____ for the uniquely serious potential consequences or sanctions for failure to abide by its rules.
6. Every crime is composed of criminal _____ .
7. _____ may be imposed in some jurisdictions for the most serious crimes.
8. Physical or _____ may be imposed such as whipping or caning, although these punishments are prohibited in much of the world.
9. Individuals may be incarcerated in _____ in a variety of conditions depending on the jurisdiction.
10. _____ may be solitary.
11. Length of _____ may vary from a day to life.
12. Government supervision may be imposed, including _____, and convicts may be required to conform to particularized guidelines as part of a parole or probation regimen.
13. _____ also may be imposed, seizing money or property from a person convicted of a crime.
14. The criminal law generally _____ undesirable acts.
15. Thus, _____ of a crime requires proof of some act.

16. Scholars label this the requirement of an _____ or guilty act.
17. Some crimes – particularly modern regulatory offenses – require no more, and they are known as _____ offenses (E.g. Under the Road traffic Act 1988 it is a strict liability offence to drive a vehicle with an alcohol concentration above the prescribed limit).
18. Nevertheless, because of the potentially severe consequences of criminal conviction, judges at common law also sought proof of an intent to do some bad thing, the _____ or guilty mind.
19. As to crimes of which both actus reus and mens rea are requirements, _____ have concluded that the elements must be present at precisely the same moment and it is not enough that they occurred sequentially at different times.
20. Strict liability can be described as criminal or civil liability notwithstanding the lack mens rea or intent by the _____.
21. Not all crimes require specific intent, and the threshold of _____ required may be reduced.
22. For example, it might be sufficient to show that a defendant acted _____, rather than intentionally or recklessly.
23. In offenses of absolute liability, other than the prohibited act, it may not be necessary to show the act was _____.
24. Generally, crimes must include an intentional act, and "_____" is an element that must be proved in order to find a crime occurred.
25. The few exceptions are not truly crimes at all – but are administrative regulations and civil penalties created by _____, such as crimes against the traffic or highway code.
26. Many criminal codes protect the _____ of the body.
27. The crime of _____ is traditionally understood as an unlawful touching, although this does not include everyday knocks and jolts to which people silently consent as the result of presence in a crowd.

28. Creating a fear of imminent battery is an _____, and also may give rise to criminal liability.

29. Non-consensual intercourse, or _____, is a particularly egregious form of battery.

憲法

序號	中 文	英 文
1.	公務人員	a civil servant
2.	監察委員	a member of the Control Yuan
3.	考試委員	a member of the Examination Yuan
4.	原住民	aborigine
5.	修改	amend
6.	修改	amendment
7.	大赦	amnesty
8.	審計	audit
9.	預算	budget
10.	預算案	budgetary bill
11.	民治	by the people
12.	糾舉	censure
13.	制衡	checks and balances
14.	委員會	committee
15.	締結條約	conclude treaty
16.	國會	Congress, Parliament
17.	憲法	constitution, constitutional law
18.	憲法法庭	Constitutional Court, Constitutional Tribunal
19.	立憲主義	constitutionalism
20.	副署	countersignature
21.	縣議會	county council
22.	縣政府	county government
23.	宣戰	declare war
24.	民主	democracy
25.	解散立法院	dissolve the Legislative Yuan
26.	雙重國籍	dual nationality, double nationality
27.	雙首長制	dual-executive system, dual leadership system
28.	選舉	election
29.	選舉權	electoral right

序號	中 文	英 文
30.	緊急命令	emergency order
31.	行政特權	executive privilege
32.	柔性憲法	flexible constitution
33.	民享	for the people
34.	自由地區	free area
35.	眾議員	house representative
36.	彈劾	impeach
37.	被彈劾人	impeached person
38.	彈劾	impeachment
39.	休會	in recess
40.	創制	initiative
41.	質詢	interpellate
42.	法官	judge
43.	立法委員	legislator
44.	地方自治	local self-government, local autonomy
45.	縣長	magistrate
46.	媾和	make peace
47.	戒嚴令	martial law
48.	政務委員	minister without portfolio
49.	國旗	national flag
50.	國籍	nationality
51.	不信任投票	no-confidence vote
52.	名目性憲法	nominal constitution
53.	規範性憲法	normative constitution
54.	無效	null and void
55.	民有	of the people
56.	命令	ordinance
57.	特赦	pardon
58.	內閣制	parliamentary government, cabinet system, parliamentary system
59.	政黨	political party
60.	政治問題	political question

序號	中 文	英 文
61.	總統	president
62.	總統制	presidential government, presidential system
63.	提議	proposal
64.	省諮議會	provincial advisory council
65.	省政府	provincial government
66.	追認	ratification
67.	罷免	recall
68.	覆議	reconsider the bill
69.	複決、公民投票	referendum
70.	減刑	remission of sentence
71.	共和、共和國	republic
72.	復權	restitution of civil rights
73.	剛性憲法	rigid constitution
74.	參議員	senator
75.	權力分立	separation of powers
76.	會期	session
77.	社會福利	social welfare
78.	主權	sovereignty
79.	法律案	statutory bill
80.	任期	term
81.	領土	territory
82.	憲法增修條文	The Additional Articles of the Constitution
83.	監察院	The Control Yuan
84.	考試院	The Examination Yuan
85.	行政院	The Executive Yuan
86.	行政院會議	The Executive Yuan Council
87.	大法官	The grand justice
88.	眾議院	The House of Representatives
89.	司法院	The Judicial Yuan
90.	立法權	The legislative power
91.	立法院	The Legislative Yuan

序號	中 文	英 文
92.	國民大會	The National Assembly
93.	同意權	The power of consent
94.	監察院院長	The president of the Control Yuan
95.	行政院院長	The president of the Executive Yuan, The Prime Minister
96.	司法院院長	The president of the Judicial Yuan
97.	參議院	The Senate
98.	監察院副院長	The vice president of the Control Yuan
99.	行政院副院長	The vice president of the Executive Yuan
100.	司法院副院長	The vice president of the Judicial Yuan
101.	條約	treaty
102.	條約案	treaty bill
103.	違憲	unconstitutional
104.	不成文憲法	unwritten constitution
105.	缺位	vacant
106.	副總統	vice president
107.	成文憲法	written constitution

英美憲法

序號	中文	英文
1.	限縮言論自由	abridging the freedom of speech
2.	近用司法程序權利	access to the judicial proceeding
3.	休庭或休會	adjournment
4.	咨詢意見	advisory opinions
5.	優惠措施 或積極措施	affirmative action
6.	基於年齡的歧視	age discrimination
7.	外僑	alien
8.	忠誠義務	allegiance
9.	反聯邦論者	antifederalists
10.	最高法院之上訴與管轄	appeals and jurisdictions of supreme court
11.	上訴管轄權	appellate jurisdiction
12.	任免權	appointment power
13.	褫奪公權	attainder
14.	兩院制	bicameral congress
15.	權利法案	bill of rights
16.	自治團體的法規	by-laws
17.	競選經費	campaign financing
18.	死刑	capital punishment
19.	預先審查制度	censorship
20.	調卷令	certiorari
21.	制衡	checks and balances
22.	首席與陪席法官	chief justice and associate justices
23.	公民資格	citizenship
24.	民權法案	civic rights act
25.	明顯與立即的危險	clear and present danger
26.	邦聯	confederation
27.	秘密資訊	confidential information
28.	國會	congress
29.	議會特權與免責權	congressional privilege and immunity
30.	國會議員	congressman

序號	中 文	英 文
31.	憲法	constitution
32.	憲法訴訟	constitutional adjudication
33.	憲法修正案	constitutional amendment
34.	憲法會議	constitutional convention
35.	憲法解釋	constitutional interpretation
36.	憲政時刻	constitutional moment
37.	憲法政體	constitutional regime
38.	憲法審查	constitutional review
39.	憲法最高性	constitutional supremacy
40.	立憲主義	constitutionalism
41.	合憲性	constitutionality
42.	法院	court
43.	代表	delegate and representative
44.	示威	demonstration
45.	去隔離政策	desegregation
46.	外交特權	diplomatic privilege
47.	多樣管轄權	diversity jurisdiction
48.	國內安寧	domestic tranquility
49.	正當法律程序	due process of law
50.	選舉人團	electoral college
51.	緊急狀態	emergencies
52.	法律平等保護原則	equal protection of law
53.	衡平	equity
54.	間諜法	espionage act
55.	有追溯效力的法令	ex post facto law
56.	行政協定	executive agreement
57.	行政特權	executive privilege
58.	公共開支	expenditure
59.	聯邦巡迴法院	federal circuit court
60.	衝突性言論	fighting words
61.	公民選舉權或專屬權	franchise
62.	集會結社自由	freedom of assembly and association

序號	中 文	英 文
63.	出版自由	freedom of the press
64.	性別歧視	gender discrimination
65.	大陪審團	grand juries
66.	人身保護令	habeas corpus
67.	仇恨言論	hate speech
68.	聽證	hearing
69.	移民	Immigration
70.	彈劾程序	impeachment process
71.	獨立機關	independent council
72.	原住民	indigenous person
73.	提議，提案	Initiative
74.	禁制令	injunction
75.	可裁判性	justifiability
76.	自由放任經濟	laissez-faire economics
77.	正當期待或信賴保護	legitimate expectation
78.	大憲章	magna carta
79.	最低工資法	minimum wage statutes
80.	獨占	monopoly
81.	叛亂	mutiny
82.	歸化法	naturalizations law
83.	必要與適當條款	necessary and proper clause
84.	新政	new deal
85.	撤回起訴	nolle prosequi
86.	法律無效	nullity of an act
87.	宣誓或切結	oath or affirmation
88.	法官于判決中附帶表示的意見	obiter dictum
89.	邪淫	obscenity
90.	行政監察使	ombudsperson
91.	原始管轄權	original jurisdiction
92.	請願或訴願	petition
93.	公民投票	plebiscite
94.	政治問題	political question

序號	中 文	英 文
95.	人頭稅	poll taxes
96.	色情言論	pornography
97.	憲法前言	preamble to the constitution
98.	隱私	privacy
99.	公告宣告	Proclamation
100.	遵循憲法	pursuance of the constitution
101.	憲法批准	ratification of the constitution
102.	叛亂	rebellion
103.	請願申訴	redress of grievances
104.	複決	referendum
105.	宗教多元	religious pluralism
106.	共和政體	republican form of government
107.	煽惑暴動法	sedition act
108.	反同性戀法	sodomy law
109.	主權者	sovereign
110.	主權豁免	sovereign immunity
111.	主權	sovereignty
112.	適格	standing
113.	先例拘束原則	stare decisis
114.	國民	subjects of the state
115.	投票	suffrage
116.	最高與下級法院	supreme and inferior courts
117.	權利暫時停止	Suspension
118.	中止條款	suspension clause
119.	象徵性言論	symbolic speech
120.	領土	territory
121.	恐怖主義	terrorism
122.	法院權限	the province of the courts
123.	酷刑	torture
124.	叛國罪	treason
125.	條約公約	treaties and conventions
126.	越權行為	ultra vires

序號	中 文	英 文
127.	有效	validity
128.	證人和陪審團接受預先審查	voir dire hearing
129.	上級法院給下級法院的訓令	writ of mandamus

Cloze Test:

1. _____ is the dismissal by some court, legislative assembly, or properly authorized officer, of the business before them.
2. An _____ is a duty of fidelity said to be owed by a subject or a citizen to his/her state or sovereign.
3. A bill of _____ is an act of a legislature declaring a person or group of persons guilty of some crime and punishing them without privilege of a judicial trial. As with attainder resulting from the normal judicial process, the effect of such a bill is to nullify the targeted person's civil rights, most notably the right to own property.
4. _____ are the Rules and ordinances made by a corporation for its own government.
5. _____ is the suppression of speech or other public communication which may be considered objectionable, harmful, sensitive, politically incorrect or inconvenient as determined by a government, media outlet or other controlling body. It can be done by governments and private organizations or by individuals who engage in self-censorship. It occurs in a variety of different contexts including speech, books, music, films, and other arts, the press, radio, television, and the Internet for a variety of reasons including national security, to control obscenity, child pornography, and hate speech, to protect children, to promote or restrict political or religious views, and to prevent slander and libel.
6. _____ means the status of a citizen with its attendant duties, rights, and privileges.
7. _____ is to grant ambassadors the exemption from taxation and ordinary processes of law afforded to diplomatic personnel in a foreign country.
8. _____ can be defined as the expenditure incurred by public

authorities like central, state and local governments to satisfy the collective social wants of the people.

9. The National _____ Agency of the Ministry of the Interior is the statutory agency which is responsible for immigration, entry and exit security, border services, citizenship, visas and registration of foreigners transiting.
10. The right of _____ is usually attributed to parliaments, which in most countries have the right to make law proposals, alone or sharing this right with the government.
11. _____ is a conspiracy among a group of individuals (typically members of the military; or the crew of any ship, even if they are civilians) to openly oppose, change or overthrow a lawful authority to which they are subject. The term is commonly used for a rebellion among members of the military against their superior officer(s), but can also occasionally refer to any type of rebellion against an authority figure.
12. _____ is a Latin legal phrase meaning "be unwilling to pursue", a phrase amounting to "do not prosecute". It is a phrase used in many common law criminal prosecution contexts to describe a prosecutor's decision to voluntarily discontinue criminal charges either before trial or before a verdict is rendered.
13. _____ is a legal term that applies to anything offensive to morals and is often equated with the term PORNOGRAPHY. Pornography, however, is a more limited term, which refers to the erotic content of books, magazines, films, and recordings. Obscenity includes pornography, but may also include nude dancing, sexually oriented commercial telephone messages, and scatological comedy routines. U.S. courts have had a difficult time determining what is obscene.
14. In modern times, an _____ addresses concerns (such as administrative abuse or maladministration) that citizens or groups have about organizations or bureaucracies. In these situations, the ombudsperson acts as an impartial mediator between the two parties, providing a less threatening type of dispute resolution. For the ombudsperson to help reduce friction between citizens and the government, he or she must be viewed as trustworthy and neutral; the process will not work if one party believes that the ombudsperson is taking the side of the other party.
15. _____ is a principle of the UK constitution. It makes Parliament

the supreme legal authority in the UK, which can create or end any law. Generally, the courts cannot overrule its legislation and no Parliament can pass laws that future Parliaments cannot change. Parliamentary sovereignty is the most important part of the UK constitution.

16. In English law, a _____ is a formal announcement made under the great seal, of some matter which the King in Council or Queen in Council desires to make known to his or her subjects: e.g., the declaration of war, or state of emergency, the statement of neutrality, the summoning or dissolution of Parliament, or the bringing into operation of the provisions of some statute the enforcement of which the legislature has left to the discretion of the king in the announcement.
17. A _____ is a request to do something, most commonly addressed to a government official or public entity. Petition can also be the title of a legal pleading that initiates a legal case. The initial pleading in a civil lawsuit that seeks only money (damages) might be called (in most U.S. courts) a complaint.
18. There may be a _____ of an officer's duties or powers, when he is charged with crimes.

英美契約法

序號	中 文	英 文
1.	沈默之承諾 (默認)	acceptance by silence
2.	接受要約、承諾	acceptance of offer
3.	和解與清償	accord and satisfaction
4.	承認	acknowledgement
5.	默許	acquiescence
6.	對人訴訟	action in personam
7.	對物訴訟	action in rem
8.	附加條款	additional terms, additional clause
9.	約因之適當性	adequacy of consideration
10.	裁判、宣告	adjudication
11.	遺產管理人	administrator
12.	廣告	advertisement
13.	律師	advocate
14.	宣誓書	affidavit
15.	確認	affirm, affirmation
16.	代理人	agent
17.	協議、協定	agreement
18.	主張	allege, allegation
19.	更改	alter, alteration
20.	選擇性的認諾	alternative promise
21.	英美法	Anglo-American law
22.	前契約	antecedent contract
23.	預期	anticipate
24.	預期利潤、預期利益	anticipated profit
25.	預先拒絕履行契約、先期違約	anticipatory repudiation, anticipatory breach
26.	上訴	appeal
27.	仲裁	arbitration
28.	同意	assent, consent
29.	主張、聲稱	assertion
30.	受讓人、受權人	assignee

序號	中 文	英 文
31.	權利之讓與	assignment of rights
32.	讓與人	assignor
33.	承擔	assume
34.	義務承擔	assumption of duty
35.	訴訟代理人	attorney
36.	拍賣	auction
37.	阻止、阻礙	bar
38.	談判、討價還價、交易	bargain
39.	談判地位	bargaining position
40.	行為	behavior, conduct
41.	受益人	beneficiary
42.	利益	benefit
43.	競拍人、出價人、投標人、競買人	bidder
44.	雙方契約	bilateral contract
45.	拘束力	binding force
46.	善意的買方	bona fide purchaser
47.	違反	breach
48.	違約、違反契約	breach of contract
49.	舉證責任	burden of proof
50.	取消、解除 (契約)	cancellation (of contract)
51.	行為能力	capacity
52.	當事人之行為能力	capacity of parties
53.	締約能力	capacity to contract
54.	因果關係	causation
55.	訴因	cause of action
56.	買方自慎	caveat emptor
57.	中止、停止	cease
58.	情事變更	change of circumstances
59.	動產	chattel
60.	法典化	codified
61.	附屬契約	collateral contract

序號	中 文	英 文
62.	普通法	common law
63.	普通法上之救濟	common law remedy
64.	溝通、通知、傳達	communication
65.	賠償	compensation
66.	補償性損害賠償	compensatory damages
67.	競爭	competition
68.	(完全或部分之) 協定	(complete or partial) agreement
69.	隱瞞	concealment
70.	調解、和解	conciliation
71.	締結 (契約)	conclude (a contract)
72.	並行條件	concurrent condition
73.	先決條件	condition precedent
74.	解除條件	condition subsequent
75.	條件	condition, term
76.	附條件之認諾	conditional promise
77.	(間接) 損害賠償	(consequential) damages
78.	約因	consideration
79.	為動機之約因	consideration as motive
80.	契約	contract
81.	契約損害賠償	contract damages
82.	必需品契約	contract for necessaries
83.	契約之構成	contract formation
84.	以婚姻為約因之契約	contract in consideration for promise of marriage
85.	一年內不能履行完成之契約	contract which cannot be performed within one year
86.	契約義務	contractual duty
87.	抵觸、不一致	contradiction
88.	爭執	controversy
89.	相對權利	corresponding rights
90.	反訴	counterclaim

序號	中 文	英 文
91.	反要約	counter-offer
92.	衡平法院	court of equity
93.	締約、承諾	covenant
94.	債權人	creditor
95.	債權受益人	creditor beneficiary
96.	標準	criterion
97.	交錯要約	cross offers
98.	損害、傷害	damage
99.	事實上	de facto
100.	法律上	de jure
101.	經銷合約	dealership agreement
102.	債務人	debtor
103.	欺騙	deceit
104.	契據	deeds
105.	契約未履行	default
106.	有瑕疵的	defective
107.	抗辯、答辯	defense
108.	遲延	delay
109.	通知遲延	delay in communication
110.	委託義務	delegation of duty
111.	交付	delivery
112.	定金	deposit
113.	喪失、滅失	destruction
114.	受害、損害	detriment
115.	信賴損害	detrimental reliance
116.	判決附帶意見	dictum
117.	無行為能力	disability
118.	否認	disaffirm
119.	免除、解除	discharge
120.	契約義務解除	discharge of contractual duty
121.	承諾之拒絕	disclaimer

序號	中 文	英 文
122.	駁回	dismiss
123.	不成比例	disproportionate
124.	可分割的契約	divisible contract
125.	捐贈	donate
126.	受贈者	donee
127.	贈與受益人	donee beneficiary
128.	捐贈人	donor
129.	擬約人	drafter, draftsman
130.	因為、導因於	due to
131.	脅迫	duress
132.	減少損害的義務	duty to mitigate damages
133.	地役權	easement
134.	經濟利益	economic benefit
135.	經濟上之脅迫	economic duress
136.	受雇人	employee
137.	雇用人	employer
138.	執行	enforce
139.	衡平禁反言	equitable estoppel
140.	衡平法原則	equitable principle
141.	衡平法救濟	equitable remedy
142.	衡平法	equity
143.	必要之點	essential element
144.	財產、遺產	estate
145.	禁反言	estoppel
146.	證據	evidence
147.	交換	exchange
148.	約定之交換	exchange of promises
149.	可寬免的	excusable
150.	條件免除	excuse of condition
151.	已履行之契約	executed contract

序號	中 文	英 文
152.	執行人	executor
153.	待履行之契約	executory contract
154.	免除	exempt
155.	免除條款	exemption clause
156.	支配權之行使	exercise of dominion
157.	預期損害賠償	expectation damages
158.	期待利益	expectation interest
159.	花費	expenditures
160.	明示允諾	express promise
161.	明示條款	express terms
162.	明示	expressly
163.	極度不相當	extreme, excessive
164.	外部證據	extrinsic evidence
165.	失敗、不履行	failure
166.	公平交易	fair dealing
167.	虛偽意思表示	false representation
168.	過失、過錯	fault
169.	信託關係	fiduciary relationship
170.	確定要約、不得撤回之要約	firm offer
171.	權利之不行使	forbearance
172.	訴訟之放棄	forbearance to sue
173.	禁止	forbid
174.	不可抗力	force majeure
175.	可預見	foreseeable
176.	權利喪失	forfeiture
177.	成立、構成	form, formation
178.	要式契約、正式契約	formal contract
179.	詐欺	fraud
180.	契約挫折	frustration of contract
181.	目的之無法達成、締約目的挫敗	frustration of purpose
182.	基本的契約違反	fundamental breach of contract
183.	預期利益	future profit, anticipated profit

序號	中 文	英 文
184.	不特定要約	general offer
185.	贈與	gift
186.	贈與性允諾	gift promise
187.	誠信、善意	good faith
188.	誠信及公平交易	good faith and fair dealing
189.	受讓人	grantee
190.	無償讓與	gratuitous assignment
191.	重大過失、重大疏失	gross negligence
192.	保證、擔保	guarantee
193.	監護人	guardian
194.	非法、違法	illegal
195.	不法協議	illegal agreement
196.	虛幻的認諾	illusory promise
197.	損害、損傷	impair
198.	默示條件	implied condition
199.	默示契約	implied contract
200.	默示允諾	implied promise
201.	默示條款	implied terms
202.	不可能的	impossible
203.	履行不能	impracticability of performance
204.	不能履行	impracticable
205.	不正當威脅	improper threat
206.	惡意	in bad faith
207.	善意	in good faith
208.	欠缺行為能力	incapacity
209.	偶定受益人、附帶受益人	incidental beneficiary
210.	偶然利益	incidental benefit
211.	招致	incur
212.	補償	indemnify
213.	引起	induce
214.	推定	infer
215.	非要式契約	informal contract

序號	中 文	英 文
216.	禁止令	injunction
217.	受害當事人	injured party
218.	給付不能、破產	insolvency
219.	分期 (履行)	installments
220.	保險	insurance
221.	保險費	(insurance) premium
222.	完整協議	integrated agreement, integration
223.	意定受益人	intended beneficiary
224.	意思、意圖	intent
225.	解釋	interpretation
226.	酒醉之人	intoxicated person
227.	無效的	invalid
228.	要約的引誘	invitation to make an offer
229.	依法不可撤回	irrevocable by statute
230.	連帶義務	joint and several duty
231.	共同義務	joint duty
232.	判決	judge, judgment
233.	司法救濟	judicial remedies
234.	陪審團	jury
235.	正當期待	justifiable expectations
236.	土地契約	land contract
237.	地主	landlord
238.	時間經過、期限已屆至	lapse of time
239.	衡平法	law of equity
240.	訴訟	lawsuit
241.	租賃	lease
242.	法律能力	legal capacity
243.	法定義務	legal duty
244.	判例	legal precedent, case
245.	信用狀	letter of credit
246.	特許權	license
247.	預定損害賠償	liquidated damages

序號	中 文	英 文
248.	清算人	liquidator
249.	損失	loss
250.	發信原則	mailbox rule
251.	非法行為、不當行為	malfeasance
252.	意思表示	manifestation of intention
253.	承諾方式	manner of acceptance
254.	重大違反	material breach
255.	重大變更	material change
256.	主要條款	material terms
257.	合意	meeting of the minds
258.	備忘錄	memorandum
259.	心神喪失	mental disorder
260.	心神耗弱	mentally ill or defective
261.	商人	merchant
262.	合併條款	merger clause
263.	輕微的違反	minor breach
264.	未成年人	minor, infant
265.	鏡子影像規則、鏡像規則	mirror image rule
266.	不當行為	misconduct
267.	不實陳述	misrepresentation, false statement
268.	錯誤	mistake
269.	誤認、誤解	misunderstanding
270.	減輕、減少	mitigate
271.	損害賠償之減輕	mitigation of damages
272.	損害賠償金、損害賠償金額	money damages
273.	道德義務	moral obligation
274.	相互同意、合意	mutual assent
275.	雙方錯誤	mutual mistake
276.	義務相互性	mutuality of obligations
277.	談判、協商	negotiate, negotiation
278.	名義上之約因	nominal consideration
279.	名義上的損害賠償	nominal damages

序號	中 文	英 文
280.	非拘束性承諾聲明	non-binding statement
281.	非競爭條款	non-competition clause
282.	非契約性質義務	non-contractual obligation
283.	未揭露	non-disclosure
284.	通知	notification
285.	債務更新	novation
286.	無效的	null and void
287.	無效	nullification
288.	自始無效	nullity ab initio
289.	反對、異議	objection
290.	客觀標準	objective standard
291.	義務、責任	obligation
292.	債權人	obligee
293.	債務人	obligor
294.	要約	offer
295.	要約過期	offer has expired
296.	要約相對人、受要約人	offeree
297.	要約人	offeror
298.	遺漏	omit, omission
299.	有影響力之錯誤	operative mistake
300.	選擇權	option
301.	選擇權契約	option contract
302.	口頭約定	oral agreement
303.	口頭允諾	oral promise
304.	口頭	oral, verbal
305.	(口頭或書面) 協定	(oral or written) agreement
306.	生產及需求契約	output and requirement contracts
307.	口頭證據法則	Parol Evidence Rule
308.	部分履行	part performance
309.	合夥	partnership
310.	過去的約因、前約因	past consideration

序號	中 文	英 文
311.	前債	past debt
312.	清償債務	pay indebtedness
313.	受款人	payee
314.	付款人	payer
315.	付款、給付	payment
316.	違約金	penalty
317.	履行	performance
318.	貨品交付地	place of delivery
319.	原告	plaintiff
320.	質押	pledge
321.	占有、持有	possession
322.	接受要約權	power of acceptance
323.	免除權、撤銷權	power of avoidance
324.	終止權	power of termination
325.	確認權	power to affirm
326.	前言、序言	preamble
327.	排除	preclude
328.	既存債務	pre-existing debt
329.	初期的磋商	preliminary negotiations
330.	將來權利的現實讓與	present assignment of future right
331.	優勝	prevail
332.	主要的	principal
333.	允諾禁反言原則	principle of promissory estoppel
334.	當事人原則	privity of contract
335.	利潤、利益	profit
336.	遺產執行人或管理人的約定	promise by executor or administrator
337.	為他人償還債務的約定	promise to answer for the debt of another
338.	給付既存債務之承諾	promise to pay pre-existing debt
339.	受約人、受約定人、被允諾人	promisee
340.	立約人、約定人、允諾人	promisor
341.	損害舉證	proof of loss
342.	將來給付不能	prospective inability to perform

序號	中 文	英 文
343.	代理人	proxy
344.	不特定大眾	public at large
345.	公共政策	public policy
346.	懲罰性損害賠償	punitive damages
347.	買受人、買方	purchaser
348.	按工計酬、按勞計酬	quantum meruit
349.	準契約	quasi-contract
350.	事實問題	question of fact
351.	相對報酬、對價	quid pro quo
352.	報價、估價單	quotation
353.	判決理由	ratio decidendi
354.	達成協議	reach an agreement
355.	合理努力	reasonable diligence
356.	合理的預期或期待	reasonable expectation
357.	合理之人	reasonable man
358.	合理期間	reasonable time
359.	反駁	rebut
360.	重新獲得、取得	recover
361.	買回、贖回	redemption
362.	補償、賠償	reimbursement
363.	拒絕	reject
364.	拒絕要約	rejection of offer
365.	解除、免除	release
366.	信賴	reliance
367.	信賴損害賠償	reliance damages
368.	信賴利益	reliance interest
369.	信賴要約	rely on offer
370.	救濟、賠償	remedy
371.	違約之救濟	remedy for breach of contract
372.	給予	render
373.	拒絕 (給付、履行)	repudiation
374.	解約	rescission of contract

序號	中 文	英 文
375.	美國法律整編	Restatement of the Law
376.	回復原狀	restitution
377.	回復利益	restitution interest
378.	限制	restraint
379.	撤回要約	revocation of offer
380.	撤回	revoke
381.	權利	right
382.	第三人權利	rights of third parties
383.	證據法則	rule of evidence
384.	商品買賣	sale of goods
385.	土地買賣	sale of land
386.	擔保	security
387.	擔保約定書	security agreement
388.	擔保利益	security interest
389.	擔保交易	security transaction
390.	抵銷	set-off
391.	清算	settlement
392.	表面上或名義上之約因	sham or nominal consideration
393.	沈默、不揭露	silence, non-disclosure
394.	強制執行	specific performance
395.	特別回復原狀	specific restitution
396.	定型化協議	standardized agreement
397.	先例拘束	stare decisis
398.	防止詐欺條例	Statute of Frauds
399.	訴訟時效法規	statute of limitations
400.	主觀因素	subjective factor
401.	後受讓人	subsequent assignee
402.	實質利益	substantial interest
403.	實體法	substantive law
404.	約因之替代	substitute for consideration
405.	替代性履行	substitute performance
406.	連續受讓人	successive assignees

序號	中 文	英 文
407.	繼承人	successor
408.	保證	surety
409.	放棄	surrender
410.	當時之一切情況	surrounding circumstances
411.	暫停、暫止	suspend
412.	象徵文書	symbolic writing
413.	生效	take effect
414.	有體財產	tangible property
415.	(土地的) 租佃	tenancy
416.	承租人	tenant
417.	招標	tender
418.	可終止的	terminable
419.	終止要約	termination of offer
420.	遺囑	testament
421.	第三受益人	third party beneficiary
422.	威脅	threat
423.	權利 (所有權)	title
424.	交易	transaction
425.	移轉	transfer
426.	受讓人	transferee
427.	越權契約	ultra vires contract
428.	不合情理合約、不公平的契約	unconscionable contract
429.	不正當影響	undue influence
430.	不可執行	unenforceable
431.	不可執行之認諾	unenforceable promise
432.	締約能力不平等、不對等能力	unequal bargaining power
433.	明確的同意	unequivocal assent
434.	不公平壓制	unfair pressure
435.	不可預見的	unforeseeable
436.	(美國) 統一商法典	Uniform Commercial Code, UCC
437.	單方契約	unilateral contract
438.	單方錯誤	unilateral mistake

序號	中 文	英 文
439.	不當受益、不當得利	unjust enrichment
440.	未經要求的、主動提供的	unsolicited
441.	非真實書面陳書	untrue recitals
442.	習慣	usage
443.	交易之習慣	usage of trade
444.	最大誠信	utmost good faith
445.	有效	valid
446.	有效約因	valid consideration
447.	契約效力	validity of contract
448.	價值	value
449.	買方	vendee
450.	賣方	vendor
451.	既得權利	vested rights
452.	受害人	victim
453.	違反	violation
454.	無效	void
455.	無效契約	void contract
456.	可撤銷	voidable
457.	可撤銷之契約	voidable contract
458.	自願同意	voluntary consent
459.	工資讓與	wage assignment
460.	賭博契約	wagering contract
461.	放棄	waiver
462.	擔保	warranty
463.	意願	willingness
464.	撤回、取回	withdraw
465.	不知情	without knowledge
466.	不使受損害	without prejudice to

Choose the best answer:

1. Kate hires Mario, a famous chef, to cook for her wedding. The chef cannot ____ the duty to cook to someone else, because the party has specifically contracted for the experience and individual skill of this chef. (102 司法官第 58 題)

- (A)transfer (B)pass (C)delegate (D)convey
2. On June 1, Todd agrees to sell and Wayne agrees to buy goods to be delivered in October at a designated port. The port is subsequently closed by quarantine regulations during the entire month of October; no commercially reasonable substitute performance is available, and Todd fails to deliver the goods. Todd is not liable to Wayne for breach of contract because Todd's performance is made ___ without his fault. (102 司法官第 60 題)
(A)unimaginable (B)impracticable (C)impossible (D)inconceivable
3. Kanawa, a noted opera singer, is induced by Justin's fraudulent misrepresentation to contract to sing the leading role in a new production designed for Kanawa at Justin's opera house in August. Kanawa soon discovers the misrepresentation. According to R.O.C. Civil Code, the contract between Kanawa and Justin is ___. (102 律師第 59 題)
(A)valid (B)invalid (C)avoidable (D)avoid
4. Brian travels from Taipei to San Francisco. There is a statement on his electronic ticket which provides: "The Airline's liability to the passenger for any cause or combination of causes shall be, in the total amount, no more than the fees paid under this contract or NT\$50,000, whichever is greater." This kind of clause is commonly referred to as a ___. (102 律師第 60 題)
(A)warranty clause (B) limitation clause (C)indemnification clause
(D)exclusion clause
5. Curtis contracts to sell and Dale to buy ten bushels of oats. By very general ___, known to Curtis and Dale, 32 pounds constitute a bushel of oats. In the absence of contrary evidence, ten bushels in the contract mean 320 pounds. (101 司法官第 59 題)
(A)usage of trade (B)positive law (C)Uniform Commercial Code
(D)natural law
6. On May 1, Lucas contracts to sell and Bea to buy land, delivery of the deed and payment of the price to be on July 30. On June 1, Lucas tells Bea that he will not perform. Lucas's statement is a ___. (101 司法官第 60 題)
(A)submission (B)transmission (C)repudiation (D)pu diation
7. Ricky, while in a state of extreme intoxication, offers to sell his Rolex watch for a fair price to Andy, who knows of Ricky's intoxication. Andy accepts the offer.

- Ricky may avoid the contract when he becomes sober because Ricky lacks ___ when he makes the offer. (101 律師第 58 題)
(A)capability (B)capacity (C)awareness (D)ability
8. Blanche sells wine to Cora in barrels. Cora discovers that some of the barrels are leaky, in breach of warranty, but does not transfer the wine to good barrels that she has. Cora's damages for breach of contract do not include the loss of the wine that could have been saved by transferring the wine to the available barrels, because Cora fails to make efforts to ___ damages. (101 律師第 59 題)
(A)mitigate (B)deteriorate (C)alleviate (D)aggravate
9. Lori suffers a loss of property covered by an insurance policy issued by Crafty Corp. She immediately submits to Crafty Corp. a notice and proof of loss. However, the notice and proof fail to comply with requirements of the policy as to form and detail. Crafty Corp. does not point out the defects, but remains silent and evasive, telling Lori broadly to perfect her claim. The defects do not bar recovery on the policy because every contract imposes upon each party a duty of ___ in its performance and enforcement. (101 律師第 66 題)
(A)honesty and honor (B)honesty and credibility (C)good virtue (D) good faith
10. Andy, Ben and Charlie planned to organize a new corporation, ABC, Inc., to manufacture hand-tools in Taiwan. For about four months, Ben has worked on preparations for ABC, Inc., although he had no agreement with Andy and Charlie as to compensation for such work. Last month, Ben entered into a contract, on behalf of ABC, Inc., with China Steel Corporation (CSC), to purchase material. Yesterday, the certificate of incorporation for ABC, Inc., was filed with the Commerce Industrial Service Portal. Which of the following statements is correct? (100 司法官第 56 題)
(A)Ben is entitled to the reasonable value of his service as a promoter of ABC, Inc., and the contract he signed with CSC is binding on ABC, Inc.
(B)Ben is entitled to the reasonable value of his service as a promoter of ABC, Inc., but the contract he signed with CSC is not binding on ABC, Inc.
(C)Ben is not entitled to the reasonable value of his service as a promoter of ABC, Inc., but the contract he signed with CSC is binding on ABC, Inc.
(D)Ben is not entitled to the reasonable value of his service as a promoter of ABC, Inc., and the contract he signed with CSC is not binding on ABC, Inc.
11. Kira contracts to sell and Lara to buy a Swiss watch for NT\$100,000. Kira may

- sue Lara for breach of contract when Lara refuses the ___ of payment without a just cause. (101 司法官第 69 題)
(A)tender (B)provide (C)offer (D)give
12. Emma contracts to sell and Elton to buy a machine for NT\$100,000, delivery of the machine and payment of the price to be made at a stated place on July 7. On July 7 both parties are present at that place. Elton gives Emma a check payable to Emma in the amount of NT\$100,000 but Emma refuses to deliver the machine. Elton may sue Emma for her ___. (100 律師第 59 題)
(A)omission (B)non-performance (C)inaction (D)denial
13. Klingon contracts to sell and Kirk to buy 300 crates of Fuji apples, shipment to be from Japan on September 28. Klingon sends only 280 crates on September 28. By failing to ship the required number of crates, Klingon ___ the contract. (100 律師第 66 題)
(A)trespasses (B)infringes (C)breaches (D)breaks
14. Bert promises to sell to Elise a handbag for NT\$8,000. Elise promises to pay in four ___ of NT\$2,000 each, beginning one week after execution of the contract.
(A)stages (B)phases (C)periods (D)installments (100 律師第 68 題)
15. Duane purchases counterfeit goods from Ken for NT\$30,000. Duane fails to pay and Ken sues Duane for breach of contract. According to the R.O.C. Civil Code, Duane may argue that the contract is invalid based on ___. (100 司法官第 68 題)
(A)natural debt (B)incapacity (C)illegality (D)fraud
16. A contract contains the following clause: "This agreement contains the entire agreement between the parties hereto with respect to the transactions contemplated herein and supersedes all previous oral and written and all contemporaneous oral negotiations, commitments, writings and understandings." This clause reflects the ___.
(A)business judgment rule (B)duty of care (C)mailbox rule (D)parol evidence rule
17. When the parties have reciprocally declared their concordant ___, either expressly or impliedly, a contract shall be constituted.
(A)interpretation (B)initiative (C)intent (D)incorporation
18. An acceptance with amplifications, restrictions or other alterations shall be

deemed to be a ___ of the original offer and the making of a new offer.

(A)recommendation (B)recognition (C)rejection (D)rescission

19. An offer ceases to be ___ if it is refused.

(A)binding (B)bilateral (C)beneficial (D)bona fide

20. A contract stipulates following provision: “Neither party shall have the right to ___ any of its rights or obligations provided hereunder to any third party without the other party’s prior written consent.”

(A)appeal (B)allege (C)anticipate (D)assign

英美侵權法

序號	中文	英文
1.	“如果不”原則	“but for” rule
2.	一般謹慎之人	a man of ordinary prudence
3.	消除	abatement
4.	不尋常危險活動	abnormally dangerous activity
5.	絕對責任	absolute liability
6.	絕對特權	absolute privilege
7.	濫用	abuse of
8.	行為	act
9.	天災	act of god
10.	具可訴訟性	actionable per se
11.	行為人	actor
12.	事實上的同意	actual consent
13.	實際損害	actual damages
14.	真正惡意	actual malice
15.	加重傷害	aggravation of injury
16.	幫助與教唆	aiding and abetting
17.	離間夫妻關係	alienation of spouse’s affections
18.	誘惑理論	allurement doctrine
19.	法院之友（利害關係人陳述意見書）	amicus curiae
20.	道歉	apology
21.	明示同意	apparent consent
22.	憂慮	apprehension
23.	竊用(他人姓名肖像)	appropriation
24.	竊用肖像	appropriation of likeness
25.	竊用姓名	appropriation of name
26.	逮捕	arrest
27.	人為的危險	artificial hazards
28.	即時威脅、恫嚇	assault
29.	(自願)承擔風險	(voluntary) assumption of risk
30.	可避免後果原則	avoidable consequences rule
31.	受託人	bailee

序號	中 文	英 文
32.	暴行、非法接觸、毆擊	battery
33.	義務違反	breach of duty
34.	善意買受人	bona fide purchasers
35.	舉證責任	burden of proof
36.	旁觀者	bystander
37.	因果關係	causation
38.	事實原因	cause in fact
39.	間接證據、情況證據	circumstantial evidence
40.	請求權人	claimant
41.	清楚且令人信服的證據	clear and convincing evidence
42.	附屬來源法則	collateral source rule
43.	一般運輸業者	common carrier
44.	比較過失、共同過失	comparative negligence
45.	能力	competence
46.	隱瞞、未揭露	concealment, non-disclosure
47.	附隨義務	concomitant obligation
48.	共同過失	concurrent negligence
49.	“如果不”原則	condition sine qua non
50.	寬恕、赦免	condonation
51.	監禁	confinement
52.	有意識之不實說明	conscious misrepresentation
53.	同意	consent
54.	親權	consortium
55.	共謀	conspiracy
56.	蔑視性的損害賠償	contemptuous damages
57.	與有過失、共同過失	contributory negligence
58.	侵占、強佔	conversion
59.	著作權	copyright
60.	執行職務過程	course of employment
61.	習慣	custom
62.	要件	element
63.	證明	establish

序號	中 文	英 文
64.	免責條款	exculpatory
65.	詐欺	deceit
66.	名譽毀損、誹謗	defamation
67.	當然誹謗	defamation per se
68.	有瑕疵的產品	defective product
69.	心神不足	deficient mental capacity
70.	剝奪	deprive
71.	拘留	detention
72.	不利	detriment
73.	尊嚴	dignity
74.	管教、懲處	discipline
75.	免責條款	disclaimer clause
76.	否認責任	disclaim liability
77.	自由決定的、有裁量權的	discretionary
78.	駁回	dismiss
79.	強佔	dispossession
80.	剝奪占有之行為	dispossessory act
81.	不同的損害	distinct harms
82.	留置	distrainment
83.	可區分的損害	divisible harm
84.	支配	dominion
85.	贈與人	donor
86.	正當程序	due process
87.	脅迫	duress
88.	責任	duty
89.	注意義務	duty of care
90.	損失減輕義務	duty to mitigate the loss
91.	經濟上損失	economic loss
92.	薄腦殼原則	eggshell skull rule
93.	精神損害、精神痛苦	emotional distress
94.	雇用人責任	employer's liability
95.	禁反言	estoppel

序號	中 文	英 文
96.	施以恩惠	ex gratia
97.	逾越必要武力(正當防衛)	excessive force
98.	專家證人	expert witness
99.	明示危險承擔	express assumption of risk
100.	明示擔保	express warranty
101.	損害範圍	extent of damage
102.	公正評論	fair comment
103.	不作為	failure to act
104.	非法逮捕	false arrest
105.	非法監禁	false imprisonment
106.	扭曲他人形象 (隱私權)、誤導	false light
107.	過失責任	fault liability
108.	所有權	fee simple
109.	重罪	felony
110.	信賴責任	fiduciary duty
111.	不可抗力	force majeure
112.	可允許使用之武力(正當防衛)	force permissible
113.	可預見性	foreseeability
114.	可預見的	foreseeable
115.	傷害之可預見性	foreseeability of harm
116.	特許權	franchise granted
117.	欺騙、詐欺	fraud
118.	詐欺性不實說明	fraudulent misrepresentation
119.	喪葬費用	funeral expenses
120.	未來占有	future possession
121.	誠信, 善意	good faith
122.	一般損害賠償	general damages
123.	傷害的嚴重性	gravity of harm
124.	重大過失	gross negligence
125.	法定監護人	guardian ad litem
126.	傷害	harm
127.	傷害性觸擊	harmful contact

序號	中 文	英 文
128.	傷害性或冒犯性之觸擊	harmful or offensive contact
129.	功能喪失損害賠償	hedonic damages
130.	即時占有	immediate possession
131.	豁免、免責	immunity
132.	傷害	impairment
133.	默示危險承擔	implied assumption of risk
134.	默示同意	implied consent
135.	默示的買賣性擔保	implied warranty of merchantability
136.	默示的可適用某特定目的擔保	implied warranty of fitness for a particular purpose
137.	可歸責的過失	imputed negligence
138.	疏忽的	inattentive
139.	煽動	incitement
140.	損害的賠償、補償	indemnity
141.	獨立契約履行輔助人	independent contractor
142.	通貨膨脹	inflation
143.	知情後之同意、告知後同意	informed consent
144.	固有的、天賦的	inherent
145.	固有危險、隱有危險	inherently dangerous
146.	禁止令	injunction
147.	有害謊言	injurious falsehood
148.	侵害、傷害	injury
149.	善意誹謗	innocent defamation
150.	精神錯亂	insanity
151.	故意、意圖	intent
152.	故意的	intentional
153.	故意不實陳述	intentionally false statement
154.	利益	interest
155.	故意加害	intentional harm
156.	商業關係之干擾	interference with business relations
157.	契約關係之干擾	interference with contractual relationship
158.	介入原因、干涉原因	intervening causes

序號	中 文	英 文
159.	脅迫	intimidation
160.	侵擾(他人私生活或隱私權)	intrusion
161.	侵犯	invade
162.	侵犯個人隱私	invasion of privacy
163.	受邀人	invitee
164.	連帶責任、共同和個別責任	joint and several liability
165.	共同侵權行為人	joint tortfeasors
166.	最後避免機會	last clear chance
167.	法律原因	legal cause
168.	承租人	lessee
169.	出租人	lessor
170.	書面誹謗、文字誹謗	libel
171.	受許可進入之人、執照持有者	licensee
172.	損害發生的可能性	likelihood of injury
173.	有限義務原則	limited-duty rules
174.	家禽家畜	livestock
175.	令人厭惡的疾病	loathsome disease
176.	喪失工作能力	loss of earning capacity
177.	精障之人	lunatic
178.	惡意	malice
179.	蓄意濫用法律訴訟程序	malicious abuse of legal process
180.	惡意起訴	malicious prosecution
181.	執業疏失	malpractice
182.	產品製造人責任	manufacturer's liability
183.	產品製造瑕疵	manufacturing defects
184.	精神缺陷	mental deficiency
185.	精神上傷害	mental suffering
186.	救助中不謹慎	misfeasance
187.	重述公布	multiple publications
188.	(公共 / 私人) 需要	(public / private) necessity
189.	過失	negligence
190.	法定過失、當然過失	negligence per se

序號	中 文	英 文
191.	過失行為	negligent conduct
192.	鄰人原則	neighbour principle
193.	精神打擊	nervous shock
194.	無義務原則	no-duty rules
195.	無過失責任	no-fault liability
196.	象徵性賠償	nominal award
197.	名義上(或象徵性)損害賠償	nominal damages
198.	不可轉嫁的義務	non-delegable duty
199.	單純不予救助	nonfeasance
200.	土地的非自然利用	nonnatural user of land
201.	非金錢上傷害	nonpecuniary harm
202.	非財產上的損害	non-pecuniary loss
203.	觀念上的義務	notional duty
204.	因果關係中斷	novus actus interveniens
205.	非法妨害、妨害	nuisance
206.	土地占有人	occupant of land
207.	土地所有人、土地佔有人	occupier
208.	土地佔有人責任	occupier's liability
209.	一般注意	ordinary care
210.	冒犯性觸擊	offensive contact
211.	不作為、懈怠	omission
212.	一般過失	ordinary negligence
213.	親權間之豁免權	parental immunity
214.	仿冒	passing off
215.	專利	patent
216.	金錢上損失	pecuniary loss
217.	本身、當然	per se
218.	永久的傷害	permanent injury
219.	個人仇視、個人敵視	personal hostility
220.	人身傷害	personal injuries
221.	實體傷害、身體傷害	physical harm
222.	使人有不好形象	placing person in false light

序號	中 文	英 文
223.	可實施性	practicability
224.	預防	precaution
225.	出生前損害	prenatal injuries
226.	優勢證據	preponderance of evidence
227.	表面上證據確鑿的案件	prima facie case
228.	表面證據、推定證據	prima facie evidence
229.	推定過失	prima facie negligence
230.	隱私	privacy
231.	對私人之妨害	private nuisance
232.	特權、特殊權利	privilege
233.	產品瑕疵	product defect
234.	產品(製造人)責任	products liability
235.	財產	property
236.	財產損害	property damage
237.	比例責任	proportional responsibility
238.	主力近因	proximate causation
239.	最近原因	proximate cause
240.	公開他人隱私 (隱私權)	public disclosure
241.	公眾人物	public figure
242.	對公眾之妨害	public nuisance
243.	公職人員	public official
244.	吹噓	puffing
245.	懲處、處罰	punishment
246.	懲罰性損害賠償	punitive damages
247.	單純比較過失	pure comparative negligence
248.	純粹經濟損失	pure economic loss
249.	合理注意	reasonable case
250.	合理謹慎之人	reasonable prudent man
251.	合理相信	reasonably believes
252.	可合理預見後果	reasonably foreseeable consequences
253.	可以反駁的推定	rebuttable presumption
254.	反駁證據	rebuttal evidence

序號	中 文	英 文
255.	取回、奪回	recapture
256.	奪回動產	recapture of chattels
257.	魯莽致安全於不顧	reckless disregard of safety
258.	魯莽、重大疏失	recklessness
259.	回復、補償	recovery
260.	陳述	representation
261.	事實本身即為說明、過失之推定	res ipsa loquitur
262.	救助理論	rescue doctrine
263.	減少或增加賠償金額之裁定	remittitur and additur
264.	返還財產	replevin
265.	事實本身證明、事實推定原則	res ipsa loquitur
266.	監督者負責、雇主責任	respondeat superior
267.	要求分擔賠償權	right of contribution
268.	水濱權	riparian right
269.	最後機會原則	rule of last opportunity
270.	批准、制裁	sanction
271.	自衛	self-defense
272.	正當防衛行為	self-defensive action
273.	地役權	servitude
274.	兄弟姊妹	siblings
275.	口頭誹謗	slander
276.	特別損害賠償	special damages
277.	配偶間豁免權	spousal immunity
278.	注意標準	standard of care
279.	言論、陳述	statement
280.	事實陳述	statement of fact
281.	法律陳述	statement of law
282.	意見陳述	statement of opinion
283.	訴訟時效中斷法	statute of repose
284.	訴訟時效(規定)	statutes of limitations
285.	嚴格責任	strict liability
286.	負責任	subject to liability

序號	中 文	英 文
287.	後發意外事故	subsequent accident
288.	實質要素	substantial factor
289.	連續性的損害	successive injuries
290.	替代原因、介入原因	superseding cause
291.	扶養人死後訴權	survival action
292.	中斷	suspend
293.	奪取	taking
294.	過於遠因	too remote
295.	侵權行為人	tortfeasor
296.	侵權行為	torts
297.	侵權行為	tortuous conduct
298.	商標	trade mark
299.	可轉換之故意	transferred intent
300.	受讓人	transferee
301.	讓與人	transferor
302.	言語上威脅	treat by words
303.	直接侵害、非法入侵	trespass
304.	非法侵犯動產	trespass to chattel
305.	非法侵犯土地	trespass to land
306.	對人身的直接侵害	trespass to person
307.	不法侵入者	trespasser
308.	不可避免之原因	unavoidable accident
309.	胎兒	unborn child
310.	非法行為	unlawful conduct
311.	不合理的妨害	unreasonable interference
312.	意外懷孕	unwanted pregnancy
313.	土地買受人	vendee
314.	土地出賣人	vendor
315.	替代責任	vicarious liability
316.	違反	violation
317.	意志的	volitional
318.	欠缺合理注意	want of reasonable care

序號	中 文	英 文
319.	逮捕令	warrant
320.	非法致死	wrongful death
321.	民事訴訟程序之非法利用	wrongful use of civil proceedings
322.	危險區	Zone of danger

Choose the best answer:

- Ally has a wart on her arm. Her physician, Eldon, anesthetizes Ally and removes the wart against Ally's will. The removal in no way affects Ally's health, and is in fact beneficial. Nevertheless, Ally still has suffered and therefore can sue for damages. (102 司法官第 56 題)
(A)mental distress (B)financial injury (C)economic loss (D)bodily harm
- Pursuant to Article 187 of R.O.C. Civil Code, the guardian is not liable if there is no negligence in his duty of supervision. Which of the following is the best description of "Negligence"? (102 司法官第 57 題)
(A)Forgetfulness to the third party (B)Continuing misconduct (C)Intention of the wrongful act (D)Breach of a duty that proximately causes injury
- Pursuant to Article 195 of R.O.C. Civil Code, Paragraph 1, if it is one's that has been infringed, the injured person may also seek appropriate measures to restore it. (102 司法官第 59 題)
(A)body (B)liberty (C)privacy (D)reputation
- Pursuant to Article 184 of R.O.C. Civil Code, "A person who, , has wrongfully damaged the rights of another is bound to compensate him for any injury arising therefrom." (102 律師第 56 題)
(A)directly or indirectly (B)legally or morally
(C)intentionally or negligently (D)potentially or immediately
- Based on the evidence presented at trial, the judge(or jury) finds that the defendant breached a variety of duties to the plaintiff. The judge(or jury) also concludes that these breaches were the cause of the portion of the plaintiff's damages. (102 律師第 57 題)
(A)proximate (B)near (C)fair (D)approximate
- E filed suit against G and H, and the judge found the defendants jointly and severally liable for E's injuries in the amount of NT\$90,000. Pursuant to Article

- 185 of R.O.C. Civil Code, which of the following is the correct description of the defendant's tort liability? (102 律師第 58 題)
- (A)E could recover NT\$90,000 from each defendant.
(B)G and H would be liable for damages based upon their relative fault.
(C)Each defendant would be liable for NT\$45,000.
(D)Both G and H would be liable for NT\$90,000.
7. Cathy, a used car dealer, turns the odometer of the car back from 60,000 to 18,000 kilometers. Bill, relying on the odometer reading, purchases the car from Cathy. Cathy is liable to Bill for the fraudulent . (101 司法官第 56 題)
- (A)omission (B)quotation (C)misrepresentation (D)disposition
8. Austin breaks and enters Britney's home, steals a photograph of Britney, and publishes it on the magazine to promote the sale of the magazine. Austin is liable to Britney for invasion of . (101 司法官第 57 題)
- (A)secrecy (B)privacy (C)intimacy (D)expectancy
9. Homer intentionally pulls the ears of Bo's large dog and injures Bo's dog. Homer is liable to Bo for trespass to chattels. Which of the following choices is the best meaning for "chattels"? (101 司法官第題)
- (A)Real estate (B)Personal property (C)Livestock (D)Dogs
10. Lee posts a sign on the window of his coffee shop stating that Jimmy is a member of the gangsters, which is untrue. Lee is liable to Jimmy for . (101 律師第 56 題)
- (A)assult (B)disgrace (C)discredit (D)defamation
11. Ken operates a fireworks factory in a highly populated city. Without any negligence, the factory explodes and damages Emma's apartment nearby. Since Ken is engaging in abnormally dangerous activity, Ken is liable for Emma's loss. (101 律師第 57 題)
- (A)strictly (B)strict (C)no-fault (D)absolute
12. "The information contained in this report has been obtained from sources which we consider to be reliable. However, we do not guarantee its accuracy and, as such, the information may be incomplete or condensed. ..." This type of clause is usually referred to as . (101 律師第 60 題)
- (A)waiver clause (B)pardon clause (C)excuse clause (D)disclaimer clause

13. Jae sees Lion about to strike Jae's son Jude. Jae may use reasonable force to prevent Lion from striking Jude based on . (100 司法官第 65 題)
(A)self-defense (B)justifiable defense (C)emergent avoidance (D)defense of others
14. Pursuant to Article 10 of R.O.C. Consumer Protection Act, where there are sufficient facts to prove that the products will endanger the safety and health of the consumers, business operators shall immediately such goods. (100 司法官第 66 題)
(A)recover (B)reproduce (C)recall (D)renew
15. Without the consent of Veronica, a famous actress, Rene uses Veronica's picture on her cosmetic products. Rene is tortiously liable to Veronica for . (100 司法官 67 第題)
(A)misrecommendation (B)misindorsement (C)misexploitation
(D)misappropriation
16. Duane purchases counterfeit goods from Ken for NT\$30,000. Duane fails to pay and Ken sues Duane for breach of contract. According to R.O.C. Civil Code, Duane may argue that the contract is invalid based on . (100 司法官第 68 題)
(A)natural debt (B)incapacity (C)illegality (D)fraud
17. The complaint asserts that Nelnet, Chase, and Citigroup are acting in concert and therefore liable to the plaintiffs for their injuries. (100 律師第 58 題)
(A)jointly and severally (B)collectively (C)aggregatedly (D)accumulatedly
18. A Taipei district court judge awarded NT\$500,000 in yesterday to a resident of Kaohsiung who sued a hospital for malpractice in plastic surgery. Please find the best answer to fill in the blank. (100 律師第 65 題)
(A)penalty (B)charge (C)fine (D)damages
19. Joe intends to kill George. He buys a gun and hides in the bushes, waiting for George to pass by. Allen, George's twin brother, happens to walk by. Thinking that he is looking at George, Joe aims right at him and fires. Allen is killed instantly. Since Joe only had the intentions to kill George, is he guilty of murder of Allen? (100 律師第 67 題)
(A) Yes, a case of mistaken identity does not save Joe.
(B) No, a case of mistaken identity does save Joe.
(C) No, because Joe did not have the intentions to kill Allen.

- (D) No, because Joe intended to kill George.
20. Going on someone's land is considered _____ and is punishable by law.
(A) unconstitutional (B)harassment (C)embezzlement (D)trespassing.