

Student's name:

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Chữ kí giám thị 1:

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Chữ kí giám thị 2:

.....

Code

Student ID number:



Đáp án và đề thi

Marks in number	Marks in words	Grader's signature	Code

(Đề thi gồm 4 trang. Sinh viên làm bài trên đề thi)

I. Fill in the blanks with the words provided. 0.2/each (2 marks)

ownership	permit	descendants	ancestor	matrimonial cases
testator	custody	was entitled	will	non-fulfillment

1. A will is the testator's speaking after death.
2. Ownership is the collection of rights of a person to possess, to use and to dispose of a thing.
3. The law of Viet Nam does not permit private ownership on land. In many other countries, individuals may own land.
4. A testator may request a notary public to come to his/her residence to execute a will.
5. All blood relations must have a common ancestor
6. Descendants of one and the same ancestor must not contract a marriage.
7. Custody is one of the parental duties.
8. Matrimonial cases are considered by the Divorce courts.
9. In case of non-fulfillment of his duties, a parent may be deprived of his parental rights.
10. At Common law on the father's death, the mother was entitled to the custody of her children.

II. Decide the following statements are true or false. 0.2/each(2 marks)

1. The age of majority in Canada is 21 years old. ___F
2. The age of majority in Canada was 21 years old before 1971. ___T
3. A 15-year-old girl who is pregnant may be married in Canada. ___T
4. In Vietnam, a marriage must be solemnized by a priest in a church. ___F
5. In Canada, if an intestate dies and he or she has no children, the surviving spouse will inherit all legacy. ___T
6. In Canada, the surviving spouse who is digamous after the decedent's death takes no part in the legacy. ___T
7. The civil legal capacity and capacity for civil acts appear and terminate at the same time ___F

8. Person who is full capacity for civil acts can establish any civil intercourse by himself. ____T
9. Minors are persons who have not reached the age of 18 ____T
10. Minors can conclude contracts without the consent of their parents. ____F

III. Answer the following questions. 0.4/each (2 marks)

1. When does a person have the civil legal capacity? and when does it terminate?

A person has the civil legal capacity from the time he is born and it terminates when that person dies.

2. List out some kinds of contracts you know (at least four).

Entire and Divisible contracts, Unilateral and bilateral contracts, Informal and formal contracts, Contracts implied in Fact, Contracts implied in Law

3. What relationships are considered first of all by the Family Law?

The relationships of husband and wife and that of parent and child are considered first of all by the Family Law.

4. When are both parents entitled to the custody of their infant children in the U.S.?

So long as both parents are living together and there is no dispute between them on the point, they are now jointly entitled to the custody of their infant children.

5. When does a person have full capacity for civil acts?

A person has full capacity for civil acts when he is full eighteen or older.

IV. Read the text below and answer the following questions.(2 marks)

A will is an instrument executed by a competent person in the manner prescribed by statute, whereby he makes a disposition of his property, to take effect upon his death. The characteristics of a will are that it manifests the donative intent of the maker, that it has no binding effect during his life and it is revocable in whole or a part at his pleasure. Another requisite of a testamentary instrument is that the maker must have executed the instrument with the intent to make a will. It is essential to the validity of a will that the testator have known and understood the substance of the contents thereof. The testamentary character of an instrument is determined by its substance and contents, rather than by its form, the name given it by its maker, or the use of technique or legal terms.

The right to dispose of property by will exist in all American jurisdictions. A testator may make any disposition of his property not contrary to the law or public policy of the state. The court will not reject a will on the ground that it is unreasonable or unnatural or because it excludes persons who would inherit in case of intestacy. At common law, a person who feloniously kills a testator is not permitted to take any beneficial interest under the will.

In many states, a will is not effectual as to a child born after the execution of the will or one not named or provided for therein, such child taking inheritance as though the will did not exist.

(Adapted from Summary of American law)

Questions:

1. When does a will become effective?

A will becomes effective after its maker dies.

2. What are the characteristics of a will?

The characteristics of a will are that it manifests the donative intent of the maker, that it has no binding effect during his life and it is revocable in whole or a part at his pleasure.

3. In what case a will is not effectual?

A will is not effectual as to a child born after the execution of the will or one not named or provided for therein.

4. Who can not take any beneficial interest under the will?

At common law, a person who feloniously kills a testator is not permitted to take any beneficial interest under the will.

5. Can a maker of will change it at his pleasure?

Yes, he can.

V. Translate these sentences into Vietnamese. 0,5/each (1 mark)

1. A contract is a legally enforceable agreement between two or more competent parties to do or refrain from doing some particular things that are possible and lawful.

Hợp đồng là một sự thỏa thuận mang tính pháp lý giữa hai hay nhiều bên để làm hay không làm một công việc cụ thể mà công việc này phải khả thi và hợp pháp.

2. Contract obligations may arise from the acts or gestures of the parties

Nghĩa vụ trong hợp đồng có thể phát sinh do hành vi hay cử chỉ của các bên.

VI. Match the word in column A with its similar meaning in column B. 0.1/each (1 mark)

A	B
clergy member __d	a. agreement or permission
A maker of will__i	b. the legal union of a man and woman as husband and wife
consent __a	c. certificate of marriage
incompetent__g	d. priest
presence__h	e. perform a religious ceremony, esp. a wedding
spouse__f	f. husband or wife
marriage license__c	g. not qualified or able
divorce decree __ j	h. being present in a place
solemnize__e	i. Testator
marriage__b	j. certificate of divorce

Good luck!

Cantho, January 6th, 2006
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