

國立臺北大學 110 學年度碩士班一般入學考試試題

系（所）組別：法律學系（基礎法學組、公法學組、刑事法學組、財經法學組
國際法學組、法律專業組）

科 目：英文

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PART I. 每題 2 分，一共 25 題 (50%)

1. John and I rode the bicycle _____ the other side of the mountain.
(A) until (B) not until (C) as far as (D) till to
2. Baseball is _____ the most popular sport in Taiwan.
(A) by far (B) as far as (C) a bit (D) far to
3. The correction facility is designed _____ for children with special conditions and backgrounds.
(A) unfortunately (B) obviously (C) partly (D) specifically
4. My heart _____ stopped beating when the teacher announced the score and the curve of the final exam.
(A) been (B) nearly (C) mostly (D) near
5. It was unwise to spend too much time playing the online game. Helen _____ more time on the final exam.
(A) should have spent (B) should spend (C) play (D) should have
6. Would you mind _____ me the wooden hairbrush in the closet.
(A) handing (B) hand (C) to hand (D) hand to
7. When the artist is in the right mood, he will put down _____ comes into his head at the moment.
(A) forever (B) whatever (C) no matter what (D) that
8. The reckless driver was _____ on the roadside by the police officer for speeding in the restricted zone.
(A) pulled down (B) turned down (C) pulled over (D) bend over
9. He thought yesterday's lecture was quiet amazing. (挑出何者辭意時態錯誤？)
(A) thought (B) was (C) quiet (D) amazing
10. It is not appropriate for a worker to shop online when he/she is _____.
(A) on duty (B) off duty (C) on-call duty (D) to the duty
11. The new general manager decides to retire next month _____ his health concern.
(A) on the ground of (B) because (C) due of (D) contingent on
12. A student should concentrate _____ finding his/her passion for living rather than focusing on text materials.
(A) at (B) on (C) in (D) into
13. The kind old lady insists _____ offering us a cup of hot tea in her living room after a nice talk this afternoon.
(A) to (B) on (C) in (D) at
14. A person's wisdom will increase _____ his/her experiment and age.
(A) with (B) on (C) at (D) in

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15. John made an appointment with his advisor _____ the library room in the university.

- (A) with (B) on (C) in (D) at

16. A police officer may file for a search warrant _____ there is probable cause.

- (A) which (B) at where (C) where (D) whatever

17. The Taipei Zoo is the most popular playground for children _____ Metro Taipei City area.

- (A) on (B) upon (C) in (D) at

18. If the sun _____ rise in the west, Mary would consider to date with John again.

- (A) are going to (B) will (C) go (D) were to

19. Should you _____ Lillian, tell her to contract her lawyer for important legal matters.

- (A) been meet (B) met with (C) have met (D) meet

20. If I were you, I _____ the paddle without any hesitation.

- (A) would take (B) would have take (C) would have taken (D) will take

21. You _____ a graduate student now if you had prepared for the English test earlier.

- (A) is (B) maybe (C) are (D) would be

22. But for my advisor's inspiration in class, I _____ legal profession.

- (A) would not have been devoted in (B) would not devote in
(C) would not have been devoted on (D) would not have been devoted at

23. _____ he had failed the test four times, John still went on to prepare for the entrance exam again.

- (A) Unless (B) Even though (C) Despite (D) Despiting

24. Kim's little cat ran _____ the cage five days ago.

- (A) out of (B) through (C) into (D) away

25. If my grandmother _____ here, she would definitely give me faith and full support.

- (A) were (B) was (C) is (D) has been

PART II. Please find the best answer from (A), (B), (C) or (D) to each question. (30%)

1. "Measures taken by a country or individual to protect against an attack" can be described as:

- (A) self-defense (B) zone defense (C) battery and assault (D) affirmative defense

2. The United States uses an _____ of litigation under which the lawyers for each side, plaintiff and defendant goes all out for his or her client, while the court plays a largely passive, neutral role, choosing between the evidence and legal arguments advanced by counsels.

- (A) common law system (B) separation of power system
(C) adversary system (D) inquisitorial system

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3. Suppose X sues Y in a trial court and wins. Y files an appeal. X is the _____, and Y is the _____.
(A) appellant, respondent (B) respondent, appellate
(C) appellant, appellee (D) appellee, appellant
4. A charge made by an attorney dependent upon a successful outcome (won through trial or settlement) in the case and is often agreed to be a percentage of the party's recovery is:
(A) surcharge fee (B) conditional fee (C) determinable fee (D) contingent fee
5. In a securities fraud suit, the plaintiff must prove that the fraudulent conduct was the proximate cause of the plaintiff economic loss. We call this kind of causation _____.
(A) Transaction causation (B) Loss causation
(C) Positive causation (D) Negative causation
6. Which is not a requirement of tortious acts according to Article 184 of the Civil Code of Taiwan?
(A) Causation between the act and the damage suffered.
(B) A witness to prove that the defendant acted intentionally or negligently.
(C) Legal impermissibility of the act.
(D) The damage is caused by the harmful behavior or the violations of the right.
7. What is the official "name" of Taiwan's membership in the WTO?
(A) Republic of China.
(B) Chinese Taipei, Taiwan.
(C) Separate Customs Territory of Taiwan Penghu, Kinmen and Matsu.
(D) Economic Entity of Taiwan, Penghu, Kinmen and Matsu.
8. The term "misdemeanor" refers to:
(A) A crime that is less serious and is usually punishable by fine, forfeiture, or confinement.
(B) A serious crime usually punishable by imprisonment for more than one year or even by death penalty.
(C) The act or process of confining someone.
(D) A state of affairs sufficiently grievous to justify engaging in war.
9. When a writ of _____ is granted, the court has decided to take an appeal.
(A) Affidavit (B) Certiorari (C) Verdict (D) Decree
10. The meaning of "capital punishment" is the same as:
(A) mutual fund (B) reduction of capital (C) confiscate (D) death penalty

PART III. Reading Comprehension (8%)

Whitney v. California, 274 U.S. 357, 375-76 (1927) (Brandeis, J., concurring).

Those who won our independence believed that freedom to think as you will and to speak as you think are means indispensable to the discovery and spread of political truth; that without free speech and assembly discussion would be futile; that with them, discussion affords ordinarily adequate protection against the dissemination of noxious doctrine; that the greatest menace to freedom is an inert people; that public discussion is a political duty; and that this should be a fundamental principle of

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the American government. They recognized the risks to which all human institutions are subject. But they knew that order cannot be secured merely through fear of punishment for its infraction; that it is hazardous to discourage thought, hope and imagination; that fear breeds repression; that repression breeds hate; that hate menaces stable government; that the path of safety lies in the opportunity to discuss freely supposed grievances and proposed remedies; and that the fitting remedy for evil counsels is good ones. Believing in the power of reason as applied through public discussion, they eschewed silence coerced by law—the argument of force in its worst form.

Fear of serious injury cannot alone justify suppression of free speech and assembly. Men feared witches and burnt women. It is the function of speech to free men from the bondage of irrational fears. To justify suppression of free speech there must be reasonable ground to fear that serious evil will result if free speech is practiced. There must be reasonable ground to believe that the danger apprehended is imminent. There must be reasonable ground to believe that the evil to be prevented is a serious one. Every denunciation of existing law tends in some measure to increase the probability that there will be violation of it. Condonation of a breach enhances the probability. Expressions of approval add to the probability. Propagation of the criminal state of mind by teaching syndicalism increases it. Advocacy of lawbreaking heightens it still further. But even advocacy of violation, however reprehensible morally, is not a justification for denying free speech where the advocacy falls short of incitement and there is nothing to indicate that the advocacy would be immediately acted on. The wide difference between advocacy and incitement, between preparation and attempt, between assembling and conspiracy, must be borne in mind. In order to support a finding of clear and present danger it must be shown either that immediate serious violence was to be expected or was advocated, or that the past conduct furnished reason to believe that such advocacy was then contemplated.

1. According to the concurring opinion, which of the following standard could justify the governmental restriction on speech:
(A) seriousness of harm (B) clear and present danger
(C) bad tendency (D) direct incitement
2. Which of the following statement would be supported by the rationale of the concurring opinion?
① Restrictions on speech can be a force for encountering the hatred and protecting the vulnerable.
② The ultimate good desired is better reached by free trade in ideas—that the best test of truth is the power of the thought to get itself accepted in the competition of the market.
③ False statement of fact should be beyond the scope of the protection of the freedom of expression.
④ If there be time to expose through discussion the falsehood, the remedy of the fallacies to be applied is more speech, not enforced silence.
(A) ①②③; (B) ②③④; (C) ①④; (D) ②④

PART IV. Please find the one best answer from (A) to (J) for matching each legal term. (12%)

1. stare decisis	(A) President
2. Habeas Corpus	(B) precedent
3. trespass to land	(C) contract
4. consideration	(D) security
5. J.Y. Interpretation	(E) Constitutional Court
6. fruit of the poisonous tree	(F) exclusionary rule of evidence
	(G) physical liberty
	(H) Senate
	(I) clear and convincing evidence
	(J) intentional tort

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