

國立臺北大學 109 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. Please select the most appropriate option to complete the sentence. (Each 2% from question 1~10 ; each 3% from question 11~20)

1. The human resources department _____ thousands of applicants and selected the top 20 candidates for the interview.
(A)kicks (B)reviews (C)buys (D)lost
2. The smartphone allows people to review the photo right after the picture _____.
(A)was taken (B)took (C)take (D)taking
3. The new online game is so popular that lots of college students are _____ to it.
(A)contributed (B)fighting (C)addicted (D)triggered
4. The commission of experts owes the court _____ investigation report for the murder case.
(A)their (B)its (C)his (D)her
5. The Master of Science program is the degree _____ has always interested Ann.
(A)which (B)in which (C) those (D)where
6. The government should have the power to impose tax _____ imported goods.
(A)to (B)at (C)on (D)in
7. In order to serve more students, the school coffee shop will extend its service _____ midnight.
(A)at (B)of (C)until (D)on
8. Work-life balance is the new trend of the young generation. In specific, they tend to put family _____ their work.
(A)before (B)behind (C)beneath (D)after
9. _____ my computer is old and slow, it still works pretty well.
(A)Besides (B)Unfortunately (C)Although (D)Happily
10. The application needs to be filed on Monday _____ 5:30 pm.
(A)in (B)on (C)at (D)to
11. Tom is a strong person who does not mind _____.
(A)be laugh (B)to laugh (C)being laughed at (D)laughing
12. Due to the labor strike, today's flights were mostly _____.
(A)fast (B)frustrated (C) speed up (D)postponed
13. When Eric is in the writing mood, he will put down _____ comes into his head at the moment.
(A)forever (B)whatever (C)no matter what (D)November
14. _____ the Master of Law program, John is also taking a Master of Music program in the same school.
(A)In change of (B)In the name of (C)In addition to (D)Even if

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接背面

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15. In a democratic society, people should respect others' ideas even if they do not _____ it.
(A)agree to (B)agree with (C)agree together to (D)had agreed with
16. Lots of students _____ last night to prepare for the examination.
(A)lookup (B)stay out (C)lived up (D)stayed up
17. A search warrant will be granted _____ there is a probable cause.
(A)which (B)to where (C)whatever (D) where
18. Gender equality means woman _____ man should be treated equally in the workplace and the society.
(A)other than (B)in additional to (C)unlike (D)as well as
19. The professor makes it clear that we should _____ the term paper before Friday.
(A)turn out (B)hand in (C)give in (D)give up
20. Linda was _____ on the roadside by the police officer for her reckless driving.
(A)pulled down (B)pulled over (C)turned down (D)pushed down

PART II. Please find the best answer from (A),(B),(C) or (D) to each question. (27%)

1. What is the basic trial system of Taiwan?
(A) Two Level Three instance System
(B) Three Level Three instance System
(C) Two Level Two instance System
(D) Three Level Four instance System
2. Which one of the following is not considered to be "substantive law?"
(A) property
(B) conflict of laws
(C) constitution
(D) environmental law
3. Donald ran a red light and hit Nancy while he was test-driving a new coupe. Nancy was injured and hospitalized because of the accident. According to the Taiwan's Civil Code stipulations, which one of the following is incorrect?
(A) Donald is the tortfeasor and Nancy is the tortfeasor for Donald's tortious act that caused Nancy's injury.
(B) A causal relationship has been established because of the appropriate causal link between Donald's conduct and Nancy's injury.
(C) Donald would be legally liable to Nancy without regards to why he was driving.
(D) Donald is a creditor to Nancy for his tortious liabilities.
4. After questioning a suspect, the public prosecutor may decide to release the suspect on condition that he provides _____ (certain amount of money) to guarantee his presence if summoned.
(A) deposition
(B) warranty
(C) bail
(D) pledge

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5. _____ is the judicial opinion that disagrees with the disposition made of the case by the court, the facts or law on the basis of which the court arrived at its decision, and/or the principles of law announced by the court in deciding the case.
- (A) plurality opinion
(B) dissenting opinion
(C) unanimous opinion
(D) concurring opinion
6. Creating a false image for an individual or placing him or her in a _____ through publication may be actionable as an invasion of privacy whether or not such falsity involves defamation.
- (A) false light
(B) false imprisonment
(C) false swearing
(D) false arrest
7. The trial court _____ that the defendant's car was traveling at eighty miles per hour.
- (A) stated
(B) held
(C) explained
(D) found
8. The common law is judge-made law. When a judge decides a case, the decision attains the status of law, and it becomes a _____ for future legal controversies that are similar.
- (A) persistent
(B) statute
(C) ruling
(D) precedent
9. Which one of the following has the highest standard of burden of proof?
- (A) probable cause
(B) preponderance of evidence
(C) beyond the reasonable doubt
(D) clear and convincing evidence

PART III. Please find the word/phrase best filling in each blank from the words/phrases listed below. (8%)

Article 24, Paragraph 2 of the Statute for Control of Hygiene and Safety of Cosmetics provides that "prior to the publication or broadcast of any advertisements of cosmetics, the trading companies thereof shall first submit to the central, municipal or county (city) competent health authority for its approval all the text, pictures and/or oral statements contained therein; and shall subsequently present the approval letter or certificate to the mass communication institutions concerned for their examination." And Article 30 of the same statute stipulates that "any person who violates the provisions set forth in Article 24, Paragraph 1 or Article 24, Paragraph 2 hereof shall be imposed a ___(1)___ of no more than Fifty Thousand New Taiwan Dollars. If it is a serious violation or a recidivism, the business license or the factory establishment permit may be revoked by the original issuing authority" (the two provisions collectively, hereinafter "the Disputed Provisions"), the Disputed Provisions restrict the freedom of speech of the cosmetic industry and limit the public's right of access to adequate information by subjecting all cosmetic commercials to advance government censorship. In principle, such a ___(2)___ of advertisement shall be presumed

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____(3)____ as it significantly infringes upon the free speech right, unless it can pass the constitutional test of proportionality by demonstrating that (I.) such censorship is to prevent direct, immediate and irreversible damages to the lives, bodies and/or health of the people; (II.) the censorship is directly, absolutely and necessarily related to the delivery of the foregoing overriding public interests; (III.) the people are granted with opportunities to obtain prompt judicial ____ (4)____, so as to conform with the principle of proportionality and the constitutional protection of the freedom of speech.

* Words / Phrases:

prior restraint	fine	compensation	mortgage
legal	standard of review	reimbursement	remedies
prosecution	abdication	due process	justiciable
unconstitutional	confirmation		

PART IV. Translation (15% , 英翻中、中翻英)

1. American Bar Association
2. Supreme Court of the State of New York
3. Jurisdiction
4. 陪審團裁決
5. 移審令

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