

國立臺北大學 108 學年度碩士班一般入學考試試題

系（所）組別：法律學系（法理學組、公法學組、民事法學組、刑事法學組、
財經法學組、國際法學組）

科目：英文

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PART I. Reading Comprehension (30 分)

Please Find the Best Answer from (A), (B), (C), (D) to each question (每題 3 分，單選不倒扣)

Part 1

Chinese Vice-Premier Liu He has accepted an invitation to lead a delegation to Washington at the end of this month with the purpose of reaching a deal to end the __ (1) __, according to a source who has been briefed on the arrangement. "It's a positive development to show that enough progress was made in talks earlier this month," said Nicholas Lardy, a senior fellow at the Peterson Institute for International Economics, a Washington-based think tank. "But the chance is still slim that a complete resolution will be reached in this round."

The fact that the next round of talks is scheduled to take place before the Chinese New Year, when the country takes off for a week in celebration, suggested "that both sides tried to take advantage of the momentum in order to move ahead," Lardy said. The plans also were made as parts of the US government remain shut down amid a stalemate between US President Donald Trump and Democrats in Congress about funding for a wall along the __ (2) __.

Since the two sides wrapped up talks earlier this month, China has made a number of concessions, including addressing __ (3) __ and lifting the maximum in foreign ownership in the financial services sector. "The most likely outcome [in this round] is that the US accepts all the concessions China has made and takes off the tariffs for a period of time to allow China time to enforce on its promises," Lardy said. "But most importantly, the US ultimately needs to implicitly accept that China was never going to eliminate ownership restrictions by foreign owners in certain sectors such as media."

The USTR issued a statement saying that the sides had touched on issues of "forced technology transfer, intellectual property protection, non-tariff barriers, cyber intrusions and cyber theft of trade secrets for commercial purposes, services and agriculture". Also included was China's pledge to purchase a substantial amount of agricultural, energy, manufactured goods and other products and services from the US.

The USTR on Monday said operations including "trade negotiations and enforcement" would continue despite the partial government shutdown. Liu's trip is also the latest leg in Beijing's efforts to flesh out the agreements reached by Trump and Xi on the sidelines of the G20 summit. The two presidents met in Buenos Aires on December 1 and agreed a 90-day "__ (4) __" period, during which they would conduct negotiations. An escalation of US tariffs on Chinese goods was postponed. But if no deal is reached, the US will increase the tariffs on US\$200 billion of Chinese products from 10 per cent to 25 per cent. The Chinese side, meanwhile, has made a series of goodwill gestures since the Argentina summit, including a reduction in additional tariffs on US car products, the resumption of imports of US soybeans and the drafting of a law that explicitly prohibits __ (5) __ to local partners.

1. Please choose the correct answer filled in __ (1) __ from the following words.
(A) climate change
(B) World War II
(C) trade war
(D) civil war
2. Please choose the correct answer filled in __ (2) __ from the following words.
(A) EU border
(B) Canadian border
(C) Mexican border
(D) Panama border
3. Please choose the correct answer filled in __ (3) __ from the following words.
(A) intellectual property theft
(B) national security destroyer
(C) dangerous terrorism
(D) money laundering criminal

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4. Please choose the correct answer filled in (4) from the following words.
- (A) long
 - (B) appropriate
 - (C) reasonable
 - (D) truce

5. Please choose the correct answer filled in (5) from the following words.
- (A) illegal forced labors
 - (B) forced technology transfers
 - (C) destroyed natural environments
 - (D) unfair competition

Part 2

Theresa May has sustained the heaviest parliamentary defeat of any British prime minister in the democratic era after MPs rejected her (6) by a resounding majority of 230. Jeremy Corbyn tables no-confidence motion after May defeat – as it happened. The prime minister immediately announced that she would welcome a vote of (7) in her own government, and would make time for it on Wednesday. May said if she survived the vote – which appeared likely, after the Democratic Unionist party said it would back her – she would hold cross-party meetings with senior parliamentarians “to identify what would be required to secure the backing of the house”.

“This is the most significant vote that any of us will ever be part of in our political careers. After all the debate, all the disagreement, all the division, the time has now come for all of us in this house to make a decision. A decision that will define our country for decades to come,” she said. “Together we can show the people we serve that their voices have been heard, that their trust was not misplaced. Earlier in the day, as one Conservative backbencher after another stood up to slam her painstakingly negotiated withdrawal agreement in the House of Commons, it became clear that few had changed their mind – though whips urged MPs to abstain, rather than vote against the government.

May herself embarked on a last-ditch charm offensive on Tuesday, holding meetings with MPs including the European Research Group’s Steve Baker, who said the pair had held a “constructive and substantial conversation about the future”. The attorney general, Geoffrey Cox, had earlier warned his colleagues that if they did not accept the deal, they risked condemning Britain to the chaos of a (8). “It would be the height of irresponsibility for any legislator to contemplate with equanimity such a situation,” he said. He argued that members of the public affected by no deal would say to MPs: “What are you playing at? What are you doing? You are not children in the playground. You are legislators, and this is your job.” Throughout the turbulent period since she became prime minister in the wake of the shock referendum result in 2016, May has battled to unite her party over Brexit.

The publication on Monday of letters between May and the European commission president, Jean-Claude Juncker, about the Irish backstop failed to win over Tory MPs who feared the UK could be trapped in a quasi-permanent customs union. Downing Street said May opened her weekly cabinet meeting on Tuesday by saying the government was the servant of the people, and pledging to deliver the referendum result. She will now come under intense pressure to cede control of the next steps in the Brexit process to parliament. A spokesman for Donald Tusk, the president of the European council, said: “We regret the outcome of the vote, and urge the UK government to clarify its intentions with respect to its next steps as soon as possible.” Government defeats by more than 100 votes are (9) rare; the only ones recorded in the past century occurred during the minority Labour government of 1924. Postwar, the only government defeats on a similar scale were by 89 in 1979, and 86 in 1978.

6. Please choose the correct answer filled in (6) from the following words.
- (A) Corruption scandal
 - (B) Brexit deal
 - (C) Illegal transaction
 - (D) Ethnic cleaning
7. Please choose the correct answer filled in (7) from the following words.
- (A) Leaving European Union
 - (B) No confidence
 - (C) Scotland independence
 - (D) North Ireland border

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8. Please choose the correct answer filled in (8) from the following words.

- (A) soft Brexit
- (B) referendum Brexit
- (C) no-deal Brexit
- (D) well-planed Brexit

9. Please choose the correct answer filled in (9) from the following words.

- (A) vanishingly
- (B) Incredible
- (C) Straightly
- (D) frequently

10. Which is the best topic described for this article?

- (A) MPs force Theresa May to present Brexit 'plan B' quickly
- (B) Key Brexit vote expected to once again test Theresa May's leadership
- (C) May suffers heaviest parliamentary defeat of a British PM in the democratic era
- (D) Why Theresa May's Brexit Deal Is Terrible For The U.K.

PART II. English Writing (20 分) Please Answer in English

Please use no more than 500 words discuss the following topic:

In the modern world, various knowledges and skills required interdisciplinary research. Please analyze that which “field” or “fields” (one or more) you think would be important for integrating with Legal studies?

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

1. Which of the following is the best legal term explaining the concept of the “power and authority of a state’s court or other body to render judgment in a case”?

- (A) investigation
- (B) indictment
- (C) arbitration
- (D) jurisdiction

2. Which of the following is the best definition for “partnership”?

- (A) A grant of a right to exclude others from the making, using or selling of an invention during a specified time.
- (B) A contract of two or more competent persons to place their money, effects, labor and skill, or some or all of them, in lawful commerce or business, and to divide the profit and bear the loss in certain proportions.
- (C) The transfer of authority by one person to another, which may infer a general power to act for another’s benefit or which may assign a debt to another.
- (D) An association of shareholders created under law and regarded as an artificial person by courts.

3. Negligence involves situations in which a person fails to discharge her _____.

- (A) duty of supervising
- (B) due diligence
- (C) duty of care
- (D) due process of law

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4. Which of the following description about Taiwan's legal institution is correct?
- (A) According to the prosecutorial authorities, the highest authority is the Prosecutors Office of the Supreme Court.
(B) The prosecutor is required to investigate criminal matters, handle indictments, and perform the duties prescribed by court order.
(C) All prosecutors should operate independently without the supervision of any other agencies.
(D) The power of judicial authority should be incorporated with both the executive and legislative authorities.
5. That the State requires the trading companies shall first submit to the competent health authority for its approval before the publication or broadcast of any advertisements of cosmetics constitutes a ____.
- (A) prior restraint
(B) strict scrutiny
(C) fair warning
(D) false light
6. 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) inquisitorial system
(B) internal control system
(C) common law system
(D) adversary system
7. The court of the second instance in Taiwan is officially called:
- (A) Superior Court (B) District Court (C) High Court (D) Circuit Court
8. To describe a court's dicta, you could use a verb such as "_____".
- ①held ②found ③said ④explained
(A) ③④ (B) ①④ (C) ②③ (D) ②③④
9. "It was a lesser evil that some criminals should escape than that the government should play an ignoble part." This statement infers that _____.
- (A) the government should spare no efforts to prevent the jailbreak.
(B) the illegal conduct made by the government costs the public more.
(C) prisoners are entitled to apply for parole.
(D) the government should take the responsibility to set forth a sound anti-criminal policy.
10. "I ask no favor for my sex. All I ask of our brethren is that they take their feet off our necks." What kind of constitutional right should this proposition best describe?
- (A) freedom of movement
(B) freedom of marriage
(C) freedom of sexual behavior
(D) gender equality

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PART IV. Reading Comprehension (8 分)

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are life, liberty and the pursuit of happiness. That to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed. That whenever any form of government becomes destructive to these ends, it is the right of the people to alter or to abolish it, and to institute new government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effectuate their safety and happiness. Prudence, indeed, will dictate that governments long established should not be changed for light and transient causes; and accordingly all experience hath shown that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, pursuing invariably the same object evinces a design to reduce them under absolute despotism, it is their right, it is their duty, to throw off such government, and to provide new guards for their future security. --Such has been the patient sufferance of these colonies; and such is now the necessity which constrains them to alter their former systems of government. The history of the present King of Great Britain is a history of repeated injuries and usurpations, all having in direct object the establishment of an absolute tyranny over these states.

1. According to the declaration, which of the following statement is incorrect?
(A) People's freedom is derived from the ruler's benevolence.
(B) This is a declaration for independence.
(C) The legitimacy of the government comes from the consent of the governed.
(D) The longer the government exists, the lower the chances are for it to be overthrown.
2. Which of the following consequences might be the reasons for motivating this declaration?
① The laws of immediate and pressing importance for colonies were refused to pass by the metropolitan state.
② The representative houses of the colonies have been dissolved repeatedly by the King.
③ The tie of the common kindred between the Great Britain and the colonies.
④ The right of representation of colonies' people in the metropolitan legislature was relinquished.
(A) ①③ (B) ①②④ (C) ②④ (D) ①②③

PART V. Translation (12 分)

1. 言論自由為人民之基本權利，國家應給予最大限度之維護（7 分）
2. He who seeks equity must come into court with clean hands.（5 分）

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