

一、甲有 A 羊一隻，乙未得甲之同意，以自己之名義，將 A 羊出售於丙，並約定十日後丙直接向甲領取 A 羊。惟 A 羊於乙丙簽約後三日，即生下小羊 B，乙亦於乙丙簽約後五日，向甲購得 A 羊，並請求甲於五日後直接交付 A 羊予丙。試問：何謂「無權處分」？乙丙間之買賣契約與交付 A 羊之物權行為是否有效？B 羊之所有權屬於何人？(25%)

二、何謂「撤銷」？「解除」？「撤回」？「拋棄時效利益的默示意思表示」？請舉例說明之。(30%)

三、甲有 A 地，出租給乙，乙在 A 地上種植蔬菜，路過 A 地之丙順手偷拔二把蔬菜，為乙當場捕獲。試問：何謂不動產？何謂天然孳息？未收割之蔬菜是否為不動產？其所有權屬於何人？乙對丙可為如何之請求？(25%)

四、甲男見鄰人乙女年輕貌美，乃偷偷對乙拍照，並以乙之照片製作小廣告，其上注明：「溫柔美麗，電話：X X X X X X X X X X」，並四處分送該小廣告。某日，乙於其車窗前發現此小廣告，乃撥打該電話欲瞭解詳情，卻認出接電話者為甲，且甲系以該小廣告做為色情媒介。試問：乙是否可以對甲有如何之請求？(20%)

一、我國漁民 A 駕駛我國漁船於公海上作業，恰有由外籍船長甲所駕駛之他國貨櫃船，撞擊我國漁船，致使漁船上我國漁民 A、B、C 三人落海身亡。試回答下列問題，判定甲是否得適用我國刑法加以論處？並論述理由。

(一) 甲因蓄意衝撞漁船，而致 A、B、C 落海身亡？(20 分)

(二) 甲因船機械故障失控，而撞擊漁船，致使 A、B、C 三人落海身亡？(20 分)

二、甲、乙、丙三人因與 A 有隙，一日三人謀議欲前往教訓 A。乃前往 A 之住處，見 B 在屋內，且長相酷似 A，誤以為是 A，遂持棍棒將其痛毆，將 B 打得遍體鱗傷。嗣後 A 從房內走出，甲、乙、丙乃發現 B 非其目標，轉而再向 A 攻擊，並打斷 A 的左腳，致 A 有不良於行。試回答下列問題：

(一) 甲、乙、丙對 B 之行為關係為何？應如何論處？(30 分)

(二) 甲、乙、丙之整體行為事實應如何處斷？(30 分)

作答說明

1. 本測驗共 2 大部份，共 50 題，每題 2 分。
2. 請將答案填寫在答案卷上，未依規定填寫在答案卷上，一律不計分。
3. 測驗完成後，答案卷需連同題目卷一併繳交。

Part 1: Cloze (50%, 每題 2 分)

作答說明：選擇最適當的一個字詞填入空格。每題僅有一個選項最適合。

Pollution levels soared for a third day in a row in Singapore, as smoky haze from fires in Indonesia covered the city state. The Pollutant Standards Index hit 401 at 12:00 on Friday- the highest in Singapore's history. Indonesia has said it is unfair to blame it solely (1)___ the forest fires. Schools in parts of Malaysia and Indonesia have closed (2)___. Singapore officials warned that the haze could (3)___ in place for weeks. "We can't tell how this problem is going to develop because it depends on the burning, it depends on the weather, it depends on the wind. It can easily last (4)___ several weeks and quite possibly it could last longer (5)___ the dry season ends in Sumatra which may be September or October."

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|--------------------|-------------|-----------------|------------------|
| 1. (A) over | (B) for | (C) with | (D) up |
| 2. (A) immediately | (B) briefly | (C) temporarily | (D) unexpectedly |
| 3. (A) remain | (B) wait | (C) retain | (D) carry |
| 4. (A) up | (B) on | (C) with | (D) for |
| 5. (A) since | (B) as | (C) until | (D) so |

There are now over 700 million motor vehicles in the world - and the number is (6)___ by more than 40 million each year. The (7)___ distance driven by car users is growing too - from 8km a day per person in western Europe in 1965 to 25 km a day in 1995. This dependence (8)___ motor vehicles has given rise to major problems, including environmental pollution, depletion of oil resources, traffic congestion and safety. While emissions from new cars are far less harmful than they used to be, city streets and motorways are becoming more crowded than ever, often with older trucks, buses and taxis which emit (9)___ levels of smoke and fumes. This concentration of (10)___ makes air quality in urban areas unpleasant and sometimes dangerous to breathe.

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|---------------------|-----------------|------------------|--------------|
| 6. (A) arisen | (B) rising | (C) raising | (D) raised |
| 7. (A) ordinary | (B) common | (C) universal | (D) average |
| 8. (A) with | (B) in | (C) on | (D) for |
| 9. (A) excessive | (B) unnecessary | (C) overdue | (D) moderate |
| 10. (A) transitions | (B) transfers | (C) transactions | (D) vehicles |

In addition to being responsible for more than 85 per cent of lung cancers, smoking is associated (11)___ cancers of the mouth, stomach and kidneys, and is thought to (12)___ about 14 per cent of leukemia and cancers. In 1990, smoking caused more than 84,000 deaths, mainly resulting (13)___ such problems as pneumonia, bronchitis and influenza. (14)___ is believed that smoking is responsible for 30 per cent of all deaths from cancer and clearly represents the most important preventable cause of cancer in countries (15)___ the United States today.

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|-----------------|-----------|-----------|----------|
| 11. (A) over | (B) by | (C) on | (D) with |
| 12. (A) situate | (B) shift | (C) cause | (D) root |
| 13. (A) of | (B) from | (C) in | (D) as |
| 14. (A) Which | (B) What | (C) It | (D) That |
| 15. (A) like | (B) over | (C) for | (D) to |

The only long-term solution to air pollution in cities is to design cities and neighborhoods so that car journeys are not necessary - all essential services being (16)___ within walking distance or easily (17)___ by public transport. Not only would this save energy and cut carbon dioxide emissions, it would (18)___ enhance the quality of community life, putting the emphasis (19)___ people instead of cars. Good local government is already bringing this (20)___ in some places.

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| 16. (A) initiated | (B) created | (C) located | (D) invented |
| 17. (A) accessible | (B) occupied | (C) engaged | (D) connected |
| 18. (A) so | (B) also | (C) while | (D) as |
| 19. (A) by | (B) upon | (C) on | (D) for |
| 20. (A) down | (B) about | (C) up | (D) for |

A 1993 study by the European Federation for Transport and Environment found that car transport is seven times as (21)___ as rail travel in terms of the external social (22)___ - congestion, accidents, pollution, loss of cropland and natural (23)___, depletion of oil resources, and so on. Yet cars easily surpass trains or buses (24)___ a flexible and convenient mode of personal transport. It is unrealistic to expect people to give up private cars (25)___ mass transit.

21. (A) harmless (B) costly (C) precious (D) fortunate
 22. (A) sides (B) features (C) costs (D) factors
 23. (A) habits (B) environments (C) habitats (D) surroundings
 24. (A) as (B) against (C) by (D) with
 25. (A) in favor of (B) in honor of (C) in place of (D) in regard of

Part 2: Vocabulary: Choose the best definition for the underlined word(s) in each sentence (50%, 每題 2 分)

作答說明：每一個句子皆有一個劃底線字詞，選擇最適合該字詞意義的其中一個選項。

26. From infancy to old age, the effects of inadequate sleep can profoundly affect memory, learning, creativity, productivity and emotional stability, as well as your physical health.
 (A) plenty (B) satisfactory (C) offensive (D) not enough
27. The worldwide coal industry allocates extensive resources to researching and developing new technologies and ways of capturing greenhouse gases.
 (A) furnishes (B) assigns (C) provides (D) establishes
28. Google Street View, which launched in 2007, has been one of the search company's most ambitious projects to date. Using specially-adapted cars, it created panoramic images of more than five million miles of the world's roads.
 (A) discharged (B) released (C) initiated (D) inspected
29. By implementing pollution control measures, monitoring the effects of mining, the coal industry minimizes the impact on the neighboring community.
 (A) supervising (B) directing (C) organizing (D) observing
30. Hollywood has had a great deal of money to buy up artists and technical innovations from Europe to ensure its continued dominance over present or future competition.
 (A) impact (B) pressure (C) power (D) load
31. Hollywood films appealed because their special effects were more impressive.
 (A) created (B) requested (C) attended to (D) became popular
32. In recent years, Vancouver has become so designed to cause as little harm as possible to the environment that some stores don't even offer plastic bags.
 (A) conservative (B) natural (C) eco-friendly (D) conventional
33. Nationwide, sibling violence is the most common form of family violence, occurring four to five times as frequently as spousal or parental child abuse.
 (A) normally (B) commonly (C) ordinarily (D) regularly
34. More farmers will have the money and the incentive to manage their land in ways that are sustainable in the long run.
 (A) reason (B) desire (C) expectation (D) wish
35. Fuels produced from crop residues produce far less carbon dioxide than coal or oil, and absorb carbon dioxide as they grow.
 (A) draw on (B) exclude from (C) engage in (D) take in
36. In several countries they have become interested in the possibility of using fuel either as a replacement for petrol or as fuel for power stations.
 (A) principle (B) substitute (C) difference (D) convention
37. Soil erosion threatens the productivity of land in both rich and poor countries.
 (A) admission (B) submission (C) output (D) efficiency
38. Land clearing for agriculture is the largest single cause of deforestation.
 (A) treatment (B) hazard (C) getting rid of (D) removing the trees
 diseases
39. Chemical fertilizers and pesticides may contaminate water supplies.
 (A) correspond (B) communicate (C) pollute (D) transmit

40. It was not until the eighteenth century that Europe became seriously interested in the possibilities of using the rocket itself as a weapon of war.
(A) cruelly (B) slightly (C) truly (D) vaguely
41. In most developing countries, old cars without low fuel efficiency continue to predominate.
(A) thrive (B) overcome (C) happen as expected (D) be in the majority
42. Nicotine is only a small component of cigarette smoke, which contains more than 4,700 chemical compounds, including 43 cancer-causing substances.
(A) part (B) section (C) factor (D) feature
43. Scientific research has been providing evidence that years of cigarette smoking vastly increases the risk of developing fatal medical conditions.
(A) mental (B) deadly (C) costly (D) physical
44. 17 per cent of cases of lung cancer can be attributed to high levels of exposure to second-hand tobacco smoke during childhood and adolescence.
(A) experience (B) spotlight (C) contact (D) practice
45. The risk of lung cancer increases over the years of exposure if the spouse has been smoking four packs a day for 20 years.
(A) option (B) shelter (C) likelihood (D) threat
46. Technical solutions can reduce the pollution problem and increase the fuelled efficiency of engines.
(A) enhance (B) decrease (C) relieve (D) improve
47. With iPad introduced in schools, our kids are going to love learning on the cutting edge of innovation.
(A) vision (B) advance (C) inspiration (D) imagination
48. Global car use is increasing at a faster rate than the improvement in emissions and fuel efficiency which technology is now making possible.
(A) realistic (B) available (C) inexpensive (D) practical
49. Until a hundred years ago, most journeys were in the 20km range, the distance conveniently accessible by horse.
(A) reachable (B) practical (C) handy (D) open
50. Effects of sibling abuse often continue into adulthood. It can erode their sense of identity and their self-esteem.
(A) wear away (B) show off (C) put on (D) live up

一、選擇題：(每題5分，40%)

1. 下列哪個成語用字完全正確？(a) 莫終一是，(b) 前呼後湧，(c) 花團緊湊，(d) 莫名其妙。
2. 以下哪個句子文法有誤？(a) 小陳被挨了打之後，再也不敢惹是生非。(b) 今天趁著大家都在，讓我們把話攤開來說。(c) 今年中秋我們不烤肉，用剝文旦和吃月餅取而代之吧。(d) 你在大家面前反駁他，不啻當眾給了他一巴掌。
3. 蘇軾〈水龍吟〉一詞：「似花還似非花，也無人惜從教墜。拋家傍路，思量卻是，無情有思。縈損柔腸，困酣嬌眼，欲開還閉。夢隨風萬里，尋郎去處，又還被、鶯呼起。不恨此花飛盡，恨西園、落紅難綴。曉來雨過，遺蹤何在，一池萍碎。春色三分，二分塵土，一分流水。細看來，不是□□，點點是離人淚。」空格宜填入(a) 梅花，(b) 菊花，(c) 楊花，(d) 桃花。
4. 「每到夏天，我就開始酗芒果，浸溺在各種香氣和甜汁裡——世界上有上千個芒果品種，光是東南亞就有上百種，簡直讓人忙不過來。菲律賓的腰芒、呂宋芒，越南的雞蛋芒，緬甸的香蕉芒，海南島的椰香芒，泰國的水仙芒、皇帝芒、象牙芒，台灣的愛文、海頓和金煌……，各有各的活色生香，每顆芒果都是一部迷你的_____，抄錄當地的土質季風和雨水，收攝了天地精華，除了香和甜，我還吞進各種經緯的熱帶陽光。」(蔡珠兒，〈酗芒果〉) 空白處應是：(a) 電話簿，(b) 地方志，(c) 旅遊手冊，(d) 百科全書。
5. 《世說新語》是中國志人名著，內載：「何晏七歲，明惠若神，魏武奇愛之。因晏在宮內，欲以為子。晏乃畫地令方，自處其中。人問其故？答曰：何氏之廬也。魏武知之，即遣還。」這段文字應收於哪個分類之下？(a) 雅量，(b) 規箴，(c) 夙慧，(d) 巧藝。
6. 台灣詩壇的新詩，在日據時期反映了被壓迫者的反抗心聲，其中以賴和曾經發表在《臺灣新民報》描寫霧社事件的哪首詩最為動人？(a) 〈鄉愁四韻〉，(b) 〈狼之獨步〉，(c) 〈紅塵荒野〉，(d) 〈南國哀歌〉。
7. 亞歷山大大帝深明此理，有人請他解一團百年無人能解的死結，他是一劍劈開的。」(王鼎鈞《人生試金石·焦尾琴》)「此理」所指為何？(a) 勇敢，(b) 大方，(c) 果決，(d) 慎思。
8. 李煜〈浪淘沙〉寫道：「獨自莫憑欄，無限江山。別時容易見時難，流水落花春去也，□□□□！」空格應填入哪一選項？(a) 難以再見，(b) 天上人間，(c) 千里嬋娟，(d) 屢見不鮮。

二、填充：(請將名句、詩詞的空格填入正確的原文，每題4分)(20%)

1. 好學近乎知，力行近乎仁，()。(《禮記·中庸》)
2. 士不可以不弘毅，()而()。(《論語·泰伯》)
3. 高山仰止，景行行止。雖不能至，然()。(《史記·孔子世家》)
4. ()，志在千里；烈士暮年，壯心不已。(曹操〈步出夏門行·龜雖壽〉)
5. 眾裡尋它千百度，驀然回首，那人卻在()處。(辛棄疾〈青玉案·元夕〉)

三、作文：(40%)

前陣子有博士生開業賣雞排，被知名企業董事長認為他是「浪費教育資源」。其實，當我們身處職場時，也常會面臨理想與現實有所落差，請你以「職場與我」為題，寫作一篇自己對職場的看法。