

一、受監護宣告之某甲，於精神清醒期間，從事下列行爲，其法律效果如何？

- 1) 甲向乙〔成年人〕購買花瓶，此買賣契約是否有效？(十五分)
- 2) 甲駕車撞傷乙，甲是否須對乙負損害賠償責任？(十五分)
- 3) 甲駕車撞傷孕婦丙，其懷孕五個月的丁亦受有損害，甲是否須對丁負損害賠償責任？(二十分)

二、甲經營義大利進口皮件直營，一日命其子乙前往義大利和當地工廠丙交涉購買皮貨，並告知丙由乙全權代爲處理。不料事後得知乙愛上丙女兒，擔心愛子被愛衝昏頭，故臨時去電告知撤回乙代理權限；然乙卻認爲今年的貨品質甚優而價格不變，故仍和丙訂約購買。問：丙得否請求甲履約？(五十分)

- 一、試問行為「既遂」與「終了」的概念，在刑法的判斷與作用有何差異？（30分）
- 二、甲平日看乙不慣，時時想教訓乙，卻苦無機會。一日見乙正在欺侮 A，甲認為機不可失，且又剛好可以利用乙對於 A 不法侵害之際，儼然以正義之身，一者可以遂其教訓乙之心願，再者亦可救助 A，一舉兩得。於是遂對乙加以攻擊，致使乙遍體多處瘀傷與挫傷。試問甲是否應承擔刑事責任？理由為何？（35分）
- 三、甲、乙、丙三人共同謀議偷竊珠寶，計畫完成後，分別由甲、乙二人負責偷取珠寶，丙則負責尋找銷贖管道。甲、乙於前往目的地的途中遇見丁，丁乃與甲、乙共同前往珠寶店行竊。到達目標珠寶店時，由甲、乙負責進入偷取珠寶，丁在外把風並駕車接應。惟行竊之際，甲誤觸保全系統，頓時警鈴大作，甲、乙乃放棄行竊，並與丁三人迅速逃離現場。事後甲、乙、丙、丁四人均為警所逮捕。試問甲、乙、丙、丁四人刑責？應如何論罪？（35分）

作答說明

1. 本測驗共 3 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 (每題 2 分)

Most companies carry out surveys to find out what customers or potential customers feel about their products and services. I answered one recently about online shopping. I personally (1)_____ prefer to go shopping on the high street rather than to shop on the Internet. You get a much better impression of whether something is good (2)_____ for money or truly fit for purpose when you can touch it. And I feel if you have a problem (3)_____ a purchase, it's easier to go back and make a complaint if you've bought something from a shop. But shopping online has its advantages, and many companies offer you a discount when you (4)_____ an order online. And, of course, lots of online companies have plenty of (5)_____ customers and plenty of satisfied customers.

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|----|------------|--------------|-------------|------------------|
| 1. | (A) much | (B) very | (C) high | (D) far |
| 2. | (A) rate | (B) charge | (C) cost | (D) value |
| 3. | (A) on | (B) with | (C) for | (D) in |
| 4. | (A) set | (B) leave | (C) place | (D) locate |
| 5. | (A) normal | (B) ordinary | (C) regular | (D) conventional |

Online shippers have grown accustomed to being tracked by digital advertisements for products that interest them. While the technique, called personalized re-targeting, is not new, it is more (6)_____ with companies like Google and Microsoft have entered the field. And it has (7)_____ a precision that is leaving consumers with the feeling that they are being watched as they roam online stores. In the digital advertising business, this form of marketing is regarded as a breakthrough, (8)_____ consumers the right ad at the right time. But the technique is bringing (9)_____ of industry regulation. Consumers may be frightened because they may feel that they are being (10)_____ as they browse the Web.

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|-----|---------------|---------------|----------------|------------------|
| 6. | (A) pervasive | (B) invasive | (C) persistent | (D) preservative |
| 7. | (A) conquered | (B) contacted | (C) reached | (D) realized |
| 8. | (A) to show | (B) show | (C) shown | (D) showing |
| 9. | (A) panic | (B) caution | (C) horror | (D) threat |
| 10. | (A) tagged | (B) labeled | (C) trailed | (D) tracked |

Marie was surprised but happy to take a job on a local newspaper as soon as she left university. She was surprised because she didn't feel that she (11)_____ the job description, but she was happy because she had always dreamed of working as a (12)_____ who can enjoy writing news and feature stories. So she didn't really mind when she found that she was spending much of her time (13)_____ errands for the editor. Her sister said she was just being used as sweat labor but she felt confident that there was good (14)_____ for her there. She was sure she would soon have the chance to take on more (15)_____.

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|-----|-----------------|--------------------|-----------------|-----------------|
| 11. | (A) fit | (B) make | (C) compose | (D) create |
| 12. | (A) critic | (B) copywriter | (C) proofreader | (D) journalist |
| 13. | (A) running | (B) to run | (C) ran | (D) run |
| 14. | (A) respect | (B) prospect | (C) aspect | (D) perspective |
| 15. | (A) reliability | (B) responsibility | (C) function | (D) obligation |

The Charles Park Corporations have announced record profits for last year (16)_____ a slight decline in demand for one of their key products, (17)_____ by increasingly fierce competition in the sector. They say they are already well (18)_____ the way to meeting their targets for the first quarter. Their new models will go into (19)_____ in the spring and this is expected to (20)_____ their sales and profits even more.

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|-----|----------------|--------------|--------------|---------------|
| 16. | (A) despite | (B) although | (C) even | (D) while |
| 17. | (A) cause | (B) causing | (C) to cause | (D) caused |
| 18. | (A) to | (B) by | (C) on | (D) in |
| 19. | (A) production | (B) creation | (C) device | (D) discovery |
| 20. | (A) progress | (B) boost | (C) evolve | (D) proceed |

Part 2: Sentence structure (每題 2 分)

作答說明：請選擇該句最適合的句型。

21. If a man does his best, what else is there?
(A) simple (B) compound (C) complex (D) compound-complex
22. You raise me up, so I can stand on mountains.
(A) simple (B) compound (C) complex (D) compound-complex
23. Some cause happiness wherever they go; others, whenever they go.
(A) simple (B) compound (C) complex (D) compound-complex
24. How wrong it is for a woman to expect the man to build the world she wants, rather than to create it herself.
(A) simple (B) compound (C) complex (D) compound-complex
25. We didn't lose the game; we just ran out of time.
(A) simple (B) compound (C) complex (D) compound-complex
26. Never interrupt your enemy when he is making a mistake.
(A) simple (B) compound (C) complex (D) compound-complex
27. Good people do not need laws to tell them to act responsibly, while bad people will find a way around the laws.
(A) simple (B) compound (C) complex (D) compound-complex
28. Nothing in the world is more dangerous than sincere ignorance and conscientious stupidity.
(A) simple (B) compound (C) complex (D) compound-complex
29. Don't stay in bed, unless you can make money in bed.
(A) simple (B) compound (C) complex (D) compound-complex
30. Each problem that I solved became a rule which served afterwards to solve other problems.
(A) simple (B) compound (C) complex (D) compound-complex
31. The full use of your powers is along lines of excellence.
(A) simple (B) compound (C) complex (D) compound-complex
32. The artist is nothing without the gift, but the gift is nothing without work.
(A) simple (B) compound (C) complex (D) compound-complex
33. You may not be interested in war, but war is interested in you.
(A) simple (B) compound (C) complex (D) compound-complex
34. People demand freedom of speech to make up for the freedom of thought which they avoid.
(A) simple (B) compound (C) complex (D) compound-complex
35. You can avoid reality, but you cannot avoid the consequences of avoiding reality.
(A) simple (B) compound (C) complex (D) compound-complex

Part 3: Vocabulary (每題 2 分)

36. Recent research suggests that Richard's theory of economic development is _____.
(A) injured (B) spoiled (C) flawed (D) damaged
37. She detected a slight _____ in his last e-mail. He might have second thoughts.
(A) waive (B) spam (C) damage (D) hesitation
38. Peter is an economist who believes in the advantages of _____ competition, not fierce competition.
(A) fertile (B) affluent (C) healthy (D) prosperous
39. The company aims to maintain quality and _____ the interests of the shareholders and at the same time to satisfy the demands of its target market.
(A) promote (B) approve (C) distinguish (D) grasp
40. Although others were also responsible for the problem, Jenny decided to _____ the blame.
(A) limb (B) head (C) shoulder (D) hand
41. Tim is lucky to have overseas experience which is much more useful than working in one's home town a choice; a lot of people stay at home because they have no _____.
(A) collection (B) range (C) option (D) variety
42. I _____ want to see the world; I'll take any job if it means I can travel.
(A) barely (B) desperately (C) deliberately (D) adequately
43. Unemployment usually goes _____ with social unrest.
(A) all ears (B) eye to eye (C) hand in hand (D) teeth for teeth
44. Fully accepting the fact that different learners find different methods useful, Jim makes the _____ that motivation is the key factor in most learners' success.
(A) proof (B) point (C) encounter (D) persuasion
45. I believe Ben should apologize for his _____ remarks in the meeting.
(A) offensive (B) protective (C) exhaustive (D) defensive
46. The hotel _____ all responsibility for guests' vehicles and luggage.
(A) displays (B) disclaims (C) discounts (D) discharges
47. Jane has a(n) _____ for detail, so ask her to check the report.
(A) hand (B) nose (C) ear (D) eye
48. Don't judge Pam too _____. She really couldn't have done things smartly.
(A) harshly (B) acutely (C) vigorously (D) intensely
49. The famous pop singer has tried to _____ all the rumors about his retirement.
(A) decline (B) claim (C) declare (D) deny
50. There is _____ concern across the world about climate change.
(A) arising (B) raising (C) rising (D) mounting

一、選擇題：(請為各題選出最適當的答案)(45%)

1. 下列哪一句不是描寫夏季？(1) 畫長吟罷蟬鳴樹、(2) 瑤琴一曲來薰風、(3) 夜深燼落螢入帷、(4) 吹面不寒楊柳風。
2. 「蕙苒明珠」是：(1) 比喻誣陷他人納賄、(2) 比喻最美好的藝術品、(3) 比喻人行事隱匿，說話不實、(4) 讚揚積德流芳。
3. 以下那一句成語是用以比喻徒具虛名卻無實際用途：(1) 南腔北調、(2) 南金東箭、(3) 南箕北斗、(4) 南極星輝。
4. 形容有話必欲一吐為快，我們說：(1) 骨梗在喉、(2) 骨鯁在喉、(3) 骨鯁在喉、(4) 骨哽在喉。
5. 世稱李賀為「鬼才詩人」，是因為其詩具有「幽冷奇駭」的風格，請你據此風格判選下面那一組詩句，乃出自李賀的手筆：(1) 春盡燕山雪尚飛，故鄉雖好不思歸。(2) 塞上胭脂凝夜紫，嗷嗷鬼母秋郊哭。(3) 裁成合歡扇，團團似明月。(4) 相逢仍臥病，欲語淚先垂。
6. 《詩經》云：「昔我往矣，楊柳依依；今我來思，雨雪霏霏」，運用了什麼修辭法：(1) 轉化、(2) 映襯、(3) 層遞、(4) 類疊。
7. 下面那組詩句，用了倒裝法：(1) 候騎出蕭關，追兵赴馬邑。(2) 聽蟬蟬響急，思卿卿別情。(3) 竹喧歸浣女，蓮動下漁舟。(4) 人間桂花落，夜靜春山空。
8. 以下是朱自清先生說過的一段話：「有一天，我和一位新同事閒談，我偶然問道：『你第一次上課，講些什麼？』他笑著回答：『我古今中外了一個小時。』」請問劃線的句子，採用了什麼修辭法？(1) 夸飾、(2) 譬喻、(3) 轉品、(4) 象徵。
9. 「也許銅的要綠成翡翠／鐵罐上鏽出幾瓣桃花／再讓油膩織一層羅綺／黴菌給他蒸出些雲霞。」這是民國初年聞一多的新詩，以下那個詩題，最貼近上述詩句的意象經營：(1) 棄婦、(2) 葬禮、(3) 雨巷、(4) 死水。
10. 「戀人之□／黑而且美／十一月，獅子座的流星雨」。這是詩人紀弦的一首情詩，請循意象營造的線索，判選□中的字，最有可能是下列那一個？(1) 脣、(2) 目、(3) 髮、(4) 靨。
11. 「關關雎鳩，在河之洲；窈窕淑女，君子好逑」，「逑」指：(1) 追求、(2) 匹配、(3) 思慕。
12. 要保持心情平靜，請勿聽□□之音，請選擇適當的語詞填入□□：(1) 靡靡、(2) 靡靡、(3) 靡靡、(4) 靡靡。
13. 下列語詞中的字，聲母和其他三者不同的是(1)「膾」炙人口、(2)「繪」聲「繪」影、(3) 衣著「華」麗、(4)「殼」鯨不已。
14. 「你想證明他沒有作弊，就應該拿出證據，□□□□，沒有人會相信。」以上的空格應填入下列那個語詞？(1) 信誓旦旦、(2) 空口無憑、(3) 白紙黑字、(4) 口若懸河。
15. 《洛神賦》有句曰：「明眸善睐，靨輔承權」，請問「靨輔」所指為何？

(1) 黑誌、(2)愁容、(3)微笑、(4)酒窩。

二、改錯題：請挑出句子中的錯字，並改正之。(例如：精一經)(15%)

1. 在現代詩史中，鄭愁予是少數能繼成中國古典詩抒情傳統，繼而發揚光大的詩人之一。
2. 呼籲國人注重夏令衛生，不要成為傳播病毒的徽介。
3. 這段刻骨明心的愛情故事，歷經千載瀾新。
4. 娛樂圈有不雕的偶像，猶如常青樹般訖立不搖。
5. 不要妄自飛薄，也不要輕信背諾，更不可歸疚他人。

三、作文：(40%)

近年來，大學畢業生數量持續增加，大學「畢業即失業」的現象也日益嚴重。當大學不再是人生道路上的工作保證，甚至所讀科系與未來就業的關連性也越來越小的時候，你選擇報考中正大學的某一學系，對你而言的意義何在？請以「轉學考試與我」為題，撰寫五百字左右的短文。