

英文科試題 (共 7 頁)

- 請依題序將所有答案寫在答案紙上，否則不予計分。
- 本試題分字彙、文法結構、閱讀與文意、及翻譯四大題。前三大題為單選題，請將正確答案代表字母 (A, B, C, D 等) 選出。若用其他法作答 (用文字)，或答案填在試卷上，不予計分。

I. Vocabulary: 30%

IA. In each of the following 8 sentences, there is a blank where a word is left out. Choose the answer that best completes the sentence.

- All of our children have their daily _____. David washes the dishes; Jenny makes the bed; Stan sweeps the floor.
(A) symptoms (B) chores (C) bouts (D) expenditure
- Leo is a very friendly and social person, not as _____ as he first appeared.
(A) staid (B) lavish (C) abrupt (D) drastic
- Hundreds of fans _____ the stadium to see the big game last Saturday.
(A) traced (B) merged (C) mangled (D) thronged
- If you _____, you listen secretly to the private conversations of others.
(A) retort (B) mumble (C) eavesdrop (D) articulate
- The children have become _____; they have been playing hard all afternoon.
(A) boisterous (B) crestfallen (C) gullible (D) wary
- When the reporter asked the mayor what was going to be done about the increasing criminal cases, the mayor _____ the question and left hastily.
(A) appealed (B) enlivened (C) sidestepped (D) shattered
- Eric _____ our morale with words of encouragement.
(A) ousted (B) upbraided (C) assessed (D) boosted
- Richard was a lot of fun this evening. I've never seen him in such a _____ mood.
(A) feeble (B) jovial (C) downcast (D) bashful

IB. Select the word whose meaning is closest to the meaning of the underlined word in each sentence.

- For centuries, people have used dyes to perk up their environment and to accentuate their wardrobe by applying them to clothes, pottery, baskets, and other house hold goods.
(A) to reduce (B) to emphasize (C) to subdue (D) to shrink

10. Before the mid-nineteenth century when synthetic dyes came into use, all colors had come from natural sources, such as plants and minerals.
 (A) mixed (B) natural (C) man-made (D) organic
11. However, the process of abstracting natural dyes is time consuming.
 (A) separating (B) subtracting (C) compressing (D) diluting
12. The population of rare species of spiders is threatened by the fierce competition for survival.
 (A) surpassing (B) surrounding (C) extinction (D) outliving
13. Baby spiders often fall prey to their mothers when they accidentally intrude upon their mothers' webs.
 (A) interest (B) interrupt (C) invade (D) introduce
14. Washington has said that the US would like to see the cross-Strait crisis resolved peacefully, but would make no promise of any kind.
 (A) settled (B) questioned (C) discussed (D) amplified
15. Computers have been an integral part of businesses in Taiwan for more than two decades.
 (A) amusing (B) whole (C) partial (D) useful

II. Grammar: 20%

For each sentence, identify the one underlined part that is grammatically incorrect.

1. At the beginning I paid little attention, but slowly my interest was awoke.
 A B C D
2. She dares not to tell the boss that neither we nor she is responsible for that mistake.
 A B C D
3. The teacher asked at what degree he is interested in the seminar on Chinese Studies.
 A B C D
4. On what day he would be able to resume his work was not immediately know.
 A B C D
5. He takes it as a great pleasure to recommend to you Ms. Benson for a teacher position in your university.
 A B C D
6. The key has been lost, he decided to climb through the window.
 A B C D

7. As soon as you approach the intersection, you will catch sight of the house
 A B C
that I live.
 D
8. In England, academics really like the music and suggested the performance
 A B
was recorded.
 C D
9. In 1994, a fast-food restaurant chain in the Northwest served undercooked
 A B
 hamburgers taint with a particularly dangerous stain of E. coli bacteria.
 C D
10. Metaphor almost always compares; it almost don't contrasts.
 A B C D

III. Reading comprehension. 30%

Read the following passages, choose the best answer to each question.

- A. Traditionally, mental tests have been divided into two types. Achievement tests are designed to measure acquired skills and knowledge, particularly those that have been explicitly taught. The proficiency exams required by some states for high school graduation are achievement tests. Aptitude tests are designed to measure a person's ability to acquire new skills or knowledge. For example, vocational aptitude tests can help you decide whether you would do better as mechanic or musician. However, all mental tests are in some sense achievement tests because they assume some sort of past learning or experience with certain objects, words, or situations. The difference between achievement and aptitude tests is one of degree and intended use.
1. The author's main purpose in this passage is to
 (A) show the importance of testing
 (B) relate a story about aptitude and achievement tests
 (C) compare and contrast achievement and aptitude tests
 (D) criticize the use of testing to measure a person's ability
2. This passage would most likely appear in
 (A) an art journal
 (B) a novel
 (C) a psychology book
 (D) a medical journal

3. Which of the following conclusions can be drawn from this passage?

- (A) Aptitude and achievement tests are interchangeable.
- (B) An aptitude test might be helpful to a person contemplating a career move.
- (C) All high school students should take proficiency exams.
- (D) Tests are means of acquiring skills and knowledge.

B. One step beyond automated machines is the industrial robot, the heart and brain of which is the microcomputer. Unlike most automated machines, industrial robots can be programmed to do a variety of tasks that are usually accomplished by human factory workers. Like their human counterparts, industrial robots can be switched from one job to another and can be programmed to handle new tasks. Thus far, robots have found their greatest use in assembling mechanical components. However, they are swiftly branching from basic assembly operation to construction and mining, and their most glamorous use of all, the exploration of oceans and outer space.

4. The author's main purpose in writing this passage is to

- (A) describe the industrial robot and its uses
- (B) narrate a story about the industrial robot
- (C) compare the industrial robot to human factory workers
- (D) argue the advantages of the industrial robot

5. The author's reaction to an innovative form of transportation, such as the electric car, would most likely be

- (A) positive
- (A) negative
- (B) confusion
- (C) surprise

6. It can be concluded from this passage that

- (A) robots will never replace human factory workers
- (B) industrial robots are not as versatile as automated machines
- (C) the microcomputer will soon be used in automated machines
- (D) additional uses will be found for the industrial robot

C. May 18, 1980, dawned clear and cool in the Cascades, but it would pass into history as a momentous day when the cataclysmic eruption of Mt. St. Helens turned a vast area of the pristine Washington countryside into a cauldron of devastation. Mt. St. Helens was one of the most beautiful mountains in the Northwest, having been called the Fujiyama of American, but it was also,

and still remains, the most active volcano in the Cascade Range.

A century of volcanic inactivity has made Washingtonians complacent.

However, beneath the tranquil sylvan paradise, molten magma was slowly rising to the surface of the earth, eventually forming a mushroom-shaped lava dome that exploded with the force of 10 million tons of TNT at 8:30 a.m., throwing nature into upheaval. A hot plume of ash and debris rose 65,000 feet into the sky, turning day into night. Billowing, hot molten rock avalanches swept down the flanks of the mountain, mowing down everything in their paths. Spirit Lake boiled, and rivers turned black. On the slopes great swaths of trees were blown away from the mountain and tossed in heaps. Fires burned everywhere. In the aftermath, what had been pristine beauty only hours before lay in total devastation. The crest of the mountain had been completely blown away and a thick carpet of ash covered the landscape. Trees were strewn about like toothpicks. There were no signs of life.

Most people believed that decades, even centuries would pass before the land would recover. However, nature proved to be far more resilient than expected. The return of life, both plant and animal, was remarkable, and today undergrowth carpets the ground and wildlife is abundant. A forest of young trees graces the slopes and valleys below the volcano, a delicate and serene beauty has returned once more to this vast wilderness area.

7. According to the passage, Mt. St. Helens was called the Fujiyama of America because of its
- (A) height
 - (B) beauty
 - (C) volcanic activity
 - (D) cataclysmic eruption
8. According to the passage, what was the mood of Washingtonians before the eruption occurred?
- (A) They had been expecting the eruption for some time.
 - (B) They didn't know that Mt. St. Helens was an active volcano.
 - (C) They knew that whatever happened, nature would recover.
 - (D) They were not concerned about the eruption at all.
9. According to the passage, how long had Mt. St. Helens been inactive?
- (A) Ten years
 - (B) Fifty years
 - (C) One Hundred years
 - (D) Two hundred years

10. When Mt St, Helens exploded, which of the following did NOT occur?
- (A) Molten rock avalanches flowed down mountains.
 (B) A plume of ash and debris rose to the sky.
 (C) The earth cracked and formed a new valley.
 (D) Fires burned in the forests.
11. According to the passage, what does the Mt. St. Helens area look like today?
- (A) Nature has made a surprising recovery.
 (B) The land is as devastated as it was the day of the eruption.
 (C) Nature has not proven to be very resilient.
 (D) There is undergrowth but no trees.
- D. We know very little about the early events which influence our course through life. Some of these events---if such they can be called---come very close to us but pass us by without apparent result and often without any indication of their coming or going. If we knew all the possible changes in our fortune, life would be too full of hopes and fears, of surprises and disappointments, to permit us a single hour of peace.
12. According to the author, how much do we know about the events which influence our daily lives?
- (A) a great deal
 (B) almost nothing
 (C) everything
 (D) nothing
13. How would our life be if we knew all the possible changes in our fortune?
- (A) bored
 (B) peaceful
 (C) restless
 (D) calm

E. To Greenwich Village, which is a section of New York City, many people came who were interested in art. They liked the bohemian life of the village, and they enjoyed living among so many artist. The buildings and apartments were often very old and dirty, but this only added to the interest of the place. At the top of an old three-story brick house Sue and Mary had their studio. One of them was from the state of Maine, the other from California. They had met in the restaurant of an Eighth Street hotel. Both were artists who had recently come to New York to make their living. That was in May. In November, a cold, unseen stranger, whom the doctors

called pneumonia, visited the city, touching one here and one there with his icy finger. He touched Mary and she lay, scarcely moving.

14. Artists were attracted to Greenwich Village because
- (A) they could be left alone
 - (B) they could meet the cold and unseen stranger
 - (C) they could eat in restaurants
 - (D) they could live in old and dirty but interesting buildings
15. The bohemian life is a kind of life that is
- (A) rich
 - (B) free
 - (C) moral
 - (D) poor

IV. Translate the following sentences into English: 20%

1. 憤怒令人更渺小，寬恕令人更偉大。
2. 事業有別於人生，兩者並非同一回事。
3. 當地居民發動抗爭活動反對在這區興建購物中心。
4. 我們在科技方面有相當大的投資。

國立政治大學圖書館

考試科目	行政法	所別	法律碩士在職專班	考試時間	二月六日 星期六 下午第二節
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一、試以公務員關係說明：(一)傳統「特別權力關係」理論為何？
(二)我國有何突破與發展？(三)公務員受停職處分得否救濟？
(三十分)

二、我國行政程序法中，行政契約之主要類型為何？案卷上已承認之行政契約為何？又行政契約如何終止、調整及履行？(三十分)

三、行政院組織改造推動委員會為提升政府施政效率，同時確保公共任務之妥善實施，朝向「去任務化」、「地方化」、「法人化」與「委外化」四大方向改革。試從「法人化」與「委外化」分別說明下列：(25%)

(一) 何謂「公法人」？何謂「行政法人」？兩者有何不同？目前我國政府組織中（中央或地方），是否已有「公法人」或「行政法人」之組織，試分別舉例之。

(二) 「委外化」於行政程序法中有何具體規定？被委託的團體有無發生國家賠償責任之情形？

四、行政法條文中「確定性法律概念」與「不確定性法律概念」，試分別回答下列：(>5%)

(一) 試就「不確定法律概念」舉三例。

(二) 行政法院對於行政機關於具體個案適用「不確定法律概念」審查範圍如何？

(三) 針對行政機關基於判斷餘地作成行政處分，行政處分相對人若不服，得如何提起行政救濟，勝訴機會多大？

一、甲平日滴酒不沾，某日因參加好友結婚婚宴，被友人乙灌了不少酒。甲自覺有點醉，並不想開車回家，不過，友人乙明知甲酒醉，卻仍執意要甲開車，為了順便可以送乙回家，甲最後只得開車送乙。途中，甲即因酒醉意識不清而撞到路人丙（致丙輕傷），甲雖覺得車子似乎撞到東西，不過，因意識仍迷迷糊糊，因而並未停車。不久，警循線追緝而至，甲車被攔停。甲經酒測，呼氣酒精濃度高達零點七二毫克。審判時，甲之辯護人即以「原因自由行為」為甲辯護。試問甲乙罪責。（25%）

二、年僅十五歲之國中女生甲與三十歲未婚之學校老師乙發生戀情，兩人發生性關係，甲因而產下一子，後甲乙即結婚。某日，甲與她剛出生不久之男嬰睡午覺。甲睡醒起床，發現男嬰臉色發黑，沒有呼吸及心跳。甲以為男嬰死亡，為怕遭到乙責罵，甲即將男嬰放入有水的洗衣機內，再蓋上一條待洗的棉被以故佈疑陣，為讓人以為嬰兒是意外死亡。甲打電話給乙，告訴乙男嬰失蹤，可能被抱走了，早上有位婦人到家裡來推銷化妝品，可能是該婦人抱走嬰兒。乙隨即報案，甲向警方表示男嬰可能是被該婦人抱走。警方覺得甲言辭閃爍，案情不尋常，於是在甲家四處搜索，終於在洗衣機內發現嬰兒屍。經法醫驗屍發現，嬰兒可能是睡覺時被棉被壓住口鼻因而窒息，不過當時並未死亡，是甲將嬰兒丟入洗衣機內才遭到溺斃。試問甲之罪責。（25%）

國立政治大學九十三年學年度研究所博士班入學考試

第 2-2 頁

考試科目

刑法

所別

法律碩士

在職專班

考試時間

3月6日 上午 午第2節
星期六 (下)

三、

我刑法一百八十五條之四，
法律事務逃逸罪，究為抽象

危險犯抑或具體危險犯？

試就我國立法

改革與德國刑法一百四十二條作一比較，

並對我刑

法條中之「致人死傷」之意義作解釋

（學者及查其初

見解）

25%

四、透過電腦線上遊戲，非法取得他人之
天機中（或虛擬寶物）依我刑法該當何
罪？（25%）

李明生

- 一、甲之金錶被其職員乙於 1984 年 7 月 15 日侵占，乙不便公然使用，乃於 1993 年 2 月 1 日將之贈送給丙，此錶於 1993 年 3 月 3 日被丁竊走，而於同年 4 月 2 日售於商人戊，戊留為己用，試問甲對戊之返還請求權，於何時罹於時效？(25%)
- 二、甲將某畫借予乙觀賞，乙死亡後，乙之子丙不知情以為該畫係父親遺產，乃將該畫贈與子女友丁。
- 1 試問甲得否請求丁返還該某畫？10%
 - 2 若丙明知該畫屬於甲所有，仍將之出售予不知情之第三人戊，得款十萬元，超出該畫市價六萬元。試問甲有何權利得對丙主張？15%
- 三、甲所有之 A 屋於房屋所在基地上有法定地上權，但當事人間未就地上權存續期間達成協議。後因鄰近失火致甲所有房屋遭延燒而滅失。甲是否得主張原地上權依然存續而進行重建？
請分別依肯定與否定之結論提出其論據，並說明己見。(二十五分)
- 四、甲男乙女為夫妻，於民國八十七年結婚，婚後未約定夫妻財產制，民國九十二年底，甲乙已經育有一女 A 及一男 B。現在甲乙想要離婚，請問他們如果離婚，
- (一) 甲乙離婚後，他們間的財產關係，依法可以如何處理？(十二分)
 - (二) 甲乙離婚後，孩子 A 及 B 的保護教養問題以及跟父母的關係，目前法律如何規定？(十三分)

一、(25分)

A股份有限公司董事會以決議授權常務董事甲執行採購事務，惟甲於簽訂採購契約時，未詳閱內容，簽下造成公司重大損害之契約。A公司監察人乙聞悉上情，即主動代表A公司對甲提起請求損害賠償訴訟。董事長丙則緊急召開董事會，經甲以外之全體董事一致同意解任甲之常務董事及董事職位。問：

1. A公司監察人乙代表A公司對甲提起損害賠償訴訟，是否適法？
2. A公司董事會得否解任甲之常務董事及董事職位？

二、(25分)

民國九十年修正公司法刪除原第十五條第一項「公司不得經營登記範圍以外之業務」，增訂第十八條第二項「公司所營事業除許可業務應載明於章程外，其餘不受限制。」另一方面，現行法如第一零一條，第一二九條仍將「所營事業」列為公司章程應記載事項，意義何在？

三、公司法二十七條規定，法人得為董事，由其指派自然人為代表，法人並得隨時改派之。公司法二〇八條之一則規定一定條件下，法院得選任臨時管理人，代行董事長及董事會職權。請問法院能否選任法人為臨時管理人，由該法人指派自然人代表行使職務，理由為何 (25%)

四、公司法二三二條II項前段規定，公司無盈餘時，不得分派股息及紅利。惟公司法二三四條I項規定，公司業務需長期準備，於符合一定條件下，得於開始營業前分派股息。若某公司需長期準備，但小部份業務可先行營業，該公司能否適用二三四條預付股息，理由為何 (25%)