

等 別：四等考試

類 科：各類科

科 目：法學知識與英文（包括中華民國憲法、法學緒論、英文）

考試時間：1 小時

座號：_____

※注意：(一)本試題為單一選擇題，請選出一個正確或最適當的答案，複選作答者，該題不予計分。

(二)本科目共 50 題，每題 2 分，須用 2B 鉛筆在試卡上依題號清楚劃記，於本試題上作答者，不予計分。

(三)禁止使用電子計算器。

- 1 依憲法本文之規定，中華民國國民，應具有何種資格條件？
(A)中華民國血統 (B)中華民國國籍 (C)於中華民國出生 (D)於中華民國有居留權
- 2 下列何者不屬於憲法增修條文內對於「醫療或就醫」有特別規定應予保障之範圍？
(A)退役軍人 (B)原住民族 (C)身心障礙者 (D)婦女
- 3 下列何種人員之選任與國民主權原則無涉？
(A)政務官 (B)地方首長 (C)公營事業官股代表 (D)公務人員協會理事
- 4 依據憲法本文，有關國民經濟之敘述，下列何者正確？
(A)國家應運用科學技術，以興修水利，改善農業環境
(B)中央應要求下級自治團體財務自主獨立，不得加以補助
(C)為求有效控制，我國領域內之貨物應由各級政府管制其流通與否
(D)國家應增進地力，規劃土地利用，開發商業資源，轉化農地為商業用地
- 5 依憲法第 143 條第 3 項之規定，土地價值非因施以勞力資本而增加者，與人民之關係為何？
(A)歸人民負擔之 (B)歸人民拍賣之 (C)歸人民處分之 (D)歸人民共享之
- 6 憲法增修條文將總統副總統之彈劾方式，修改為：
(A)監察院提案，聲請司法院大法官審理，由憲法法庭判決
(B)立法院提案，聲請司法院大法官審理，由憲法法庭判決
(C)監察院提案，立法院以四分之三多數決議決
(D)立法院提案，監察院以四分之三多數決議決
- 7 下列何者非屬訴訟權之保障內容？
(A)受法院公平審判之權利 (B)刑事被告詰問證人之權利
(C)刑事被告選任信賴之辯護人之權利 (D)一律要求三級三審之審級保障
- 8 下列關於法律保留概念的敘述，何者錯誤？
(A)給付行政措施如涉及公共利益或實現人民基本權利之保障等重大事項者，原則上仍應有法律或法律明確之授權為依據，主管機關始得據以訂定法規命令
(B)基於法治國家之基本原則，凡涉及人身自由之限制事項，應以法律定之；涉及財產權者，則得依其限制之程度，以法律或法律明確授權之命令予以規範。惟法律本身若已就人身之處置為明文之規定者，應非不得以法律具體明確之授權委由主管機關執行之
(C)公務人員保險金請求權之消滅時效期間之規定，因屬細節性、技術性之次要事項，故得以行政機關依職權以命令訂之
(D)刑罰法規關係人民生命、自由及財產權益至鉅，自應依循罪刑法定主義，以制定法律之方式為之，如法律授權主管機關發布命令為補充規定時，須自授權之法律規定中得預見其行為之可罰，方符刑罰明確性原則
- 9 依據司法院釋字第 396 號，關於公務員懲戒法之懲戒規定，下列敘述何者正確？
(A)公務員懲戒委員會之成員並非屬憲法上之法官
(B)懲戒案件之審議程序應符合正當法律程序原則
(C)懲戒案件之審議程序無須為言詞辯論，亦未違反訴訟權保障
(D)公務員懲戒法對懲戒案件之議決，未設通常上訴救濟制度違憲

- 10 有關憲法保障之選舉權及被選舉權之限制，下列敘述何者錯誤？
(A)選舉人年滿 23 歲，得於其行使選舉權之選舉區登記為公職人員候選人
(B)有選舉權人在各該選舉區繼續居住 4 個月以上者，為公職人員選舉各該選舉區之選舉人
(C)中華民國國民，年滿 18 歲，除受監護宣告尚未撤銷者外，有選舉權
(D)於無記名之投票，刺探票載之內容者，可處以罰金
- 11 依據憲法，有關總統與副總統之選舉罷免之規定，下列敘述何者錯誤？
(A)總統、副總統由人民直接選舉之
(B)立法院提出總統、副總統罷免案，由人民投票同意
(C)人民提出總統、副總統罷免案，由立法院議決
(D)總統、副總統之選舉程序應符合公平合理之原則
- 12 依我國憲法及增修條文之規定，下列何者並非行政院院長之職權？
(A)提請總統任命行政院副院長
(B)總統、副總統均不能視事時，代行其職權
(C)總統公布法令時之副署權
(D)總統發布解散立法院命令時之副署權
- 13 立法院開會時，下列何者得就與其相關之事項列席陳述意見？
(A)檢察官
(B)國家安全局局長
(C)司法院院長
(D)參謀總長
- 14 下列何者有向立法院提出法律案之權？
(A)司法院
(B)考選部
(C)內政部
(D)立法院之委員會
- 15 依憲法增修條文規定，省政府主席如何產生？
(A)由行政院副院長兼任之
(B)由內政部部长兼任之
(C)由行政院院長提請總統任命之
(D)由省民選舉之
- 16 關於公司的糾紛，應先適用公司法，民法只具有補充性質，此乃是何種原則？
(A)特別法優於普通法原則
(B)例外法優於原則法原則
(C)後法優於前法原則
(D)新法優先適用原則
- 17 縣（市）之自治法規，得規定罰則者，為下列何種法規？
(A)自律規則
(B)自治條例
(C)自治規則
(D)委辦規則
- 18 下列何者屬於憲法第 170 條所稱之「法律」？
(A)礦產權利金收費辦法
(B)役男申請服替代役辦法
(C)經濟部貿易調查委員會組織規程
(D)中央選舉委員會組織法
- 19 依憲法第 90 條及增修條文第 7 條之規定，下列何者非屬監察院之職權？
(A)對於公務員提出彈劾案
(B)對於行政院之決算進行審計
(C)對於行政院之施政提出糾正案
(D)對於被提名之考試委員行使同意權
- 20 下列有關我國國家權力運作之敘述，何者正確？
(A)總統發布解散立法院之命令，無須行政院院長之副署
(B)第四次憲法增修後，行政院已無須向立法院負責
(C)第四次憲法增修後，總統可主動解散立法院
(D)立法院提出總統彈劾案後，交由國民罷免之
- 21 最高限額抵押權，其約定擔保債權應確定之期日，應自抵押權設定時起最長不得逾幾年？
(A)十年
(B)十五年
(C)二十年
(D)三十年
- 22 依民法之規定，法人有董事數人，除章程另有規定外，應如何行使對外代表權？
(A)全體董事過半數同意
(B)全體董事三分之二同意
(C)全體董事四分之三同意
(D)各董事均得單獨代表法人
- 23 下列何者為單務契約？
(A)和解契約
(B)使用借貸契約
(C)租賃契約
(D)合夥契約
- 24 下列何種事項不得透過遺囑為之？
(A)指定繼承人
(B)指定應繼分
(C)指定遺囑執行人
(D)指定未成年人之監護人
- 25 甲因犯罪而被判處刑罰，試問甲被判處下列那一種刑罰並執行後，有假釋之適用？
(A)死刑
(B)無期徒刑
(C)五月有期徒刑
(D)拘役三十日
- 26 中華民國國民甲在美國因殺人罪遭美國法院判刑確定並服刑完畢，依中華民國刑法規定，該如何處理？
(A)我國法院應為不受理判決終結本案
(B)仍得依中華民國刑法處斷
(C)依據一事不再理原則由我國法院宣告無罪
(D)減輕其法定刑至二分之一

- 27 下列關於有限公司董事之敘述，何者錯誤？
(A) 公司章程未有任期規定時，則可一直擔任董事而無時間限制
(B) 董事非有特約，不得向公司請求報酬
(C) 董事有數人時，應置一人為董事長
(D) 公司最多可置董事三人
- 28 下列何者受著作權保護？
(A) 高考考題 (B) 判決 (C) 新聞報導中之照片 (D) 中華民國憲法
- 29 下列何者不屬於勞動基準法所定雇主職業災害補償之內容？
(A) 醫療費用補償 (B) 工資補償 (C) 殘廢補償 (D) 未成年子女教育補償
- 30 若雇主對受僱者以契約約定「一旦受僱者結婚即應離職」，請問此約定之效力為：
(A) 基於「契約自由」原則，應為有效 (B) 違反「契約自由」原則，應為無效
(C) 須得到主管機關之同意，始為有效 (D) 違反性別工作平等法之規定，約定無效
- 31 Susan is an _____ student. She is always eager to participate in extra-curricular activities.
(A) honest (B) envious (C) energetic (D) accurate
- 32 We can easily live a self-sufficient life _____ we are willing to pursue only what we really need for survival.
(A) as far as (B) so long as (C) despite that (D) so that
- 33 Due to his amazing _____ in appearance to the real bandit, he was wrongly accused of committing the crime.
(A) resemblance (B) superiority (C) commitment (D) submission
- 34 The gunman in Friday's bank robbery has been _____ as Matt Simpson, a truck driver who had been unfairly dismissed.
(A) interpreted (B) imitated (C) instructed (D) identified
- 35 Be _____, please. We are totally broke now and cannot afford a two-million-dollar sports car!
(A) generous (B) practical (C) romantic (D) optimistic
- 36 Some _____ may help attract the audience's attention, but if you keep waving your hands, the audience will feel distracted.
(A) fireworks (B) gestures (C) instructions (D) necessities
- 37 The volunteers' constant and unfailing care and concern gave the poor family _____ to go on.
(A) strength (B) technique (C) variety (D) witness
- 38 The terrorist attack caused heavy _____, killing hundreds of people and injuring thousands.
(A) dissidents (B) defeats (C) candidates (D) casualties

第 39 題至第 42 題為題組

A big goal of advertising is to increase your consumption. Everyone needs to consume; we all need to eat, drink and buy basic necessities. But a lot of advertising is aimed at convincing us that we should have much more than we need. This involves encouraging us to throw out possessions that are still good or which could be recycled, 39 extra things we may never use. This excess consumption not only 40 the world's resources but also increases pollution and waste. Children born today in London or New York, for example, will consume, pollute, and waste fifty times more than children born in a developing country.

It's estimated that more than 1.7 billion people make up the world's consumer society: people who have more money to spend than 41 to cover their basic needs. This number is increasing every year. But these 1.7 billion do not spend 42. A fifth of the world's population, mostly people in Japan, North America, and Europe, are responsible for 90 percent of consumption.

- 39 (A) rather than buy (B) so as to buy (C) in spite of buying (D) as well as to buy
40 (A) pulls up (B) uses up (C) takes up (D) calls up
41 (A) have required (B) are requiring (C) required (D) requiring
42 (A) evenly (B) smoothly (C) exactly (D) purposely

- 43 Allen: What do you do to amuse yourself?
 Lisa: I like movies and music. I play the flute every day. How about you?
 Allen: ____ But I have something just like yours: I am a movie fan.
 (A) Going to an amusement park can be fun.
 (B) It's all up to you.
 (C) Keep your nose out of it.
 (D) I don't know much about music.

第 44 題至第 46 題為題組

- A: Good afternoon. Henry's Russian Restaurant.
 B: Hello. I'd like to make reservations for dinner tonight.
 A: Yes. 44
 B: Five. We'd also like a table near the window, too, please.
 A: I'll certainly see 45. What time do you want your reservation for?
 B: 46
 A: And what is the name, please?
 B: The name is Miller.

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| 44 (A) What would you like to order? | (B) How many people are there in your party? |
| (C) How much does the dinner cost? | (D) Do you have a reservation? |
| 45 (A) if that can be arranged | (B) if everything is all right |
| (C) if you can wait for a moment | (D) if we can take your order |
| 46 (A) We'll be ordering at 7:30. | (B) We'll be paying at 7:30. |
| (C) We'll be leaving at 7:30. | (D) We'll be coming at 7:30. |

第 47 題至第 50 題為題組

The melting waters of the Ruwenzori Mountains feed the headwaters of the Nile. Here, for hundreds of thousands of years, people have depended on the river for basic necessities: water, transportation, farming, and fishing.

Now, the glaciers of the Ruwenzori are melting so rapidly that they will soon disappear. Within the next twenty or thirty years, most glaciers in Africa and South America will vanish completely.

The shrinking of the world's glaciers will have massive consequences for communities that depend on ice melt. In the short-term, these consequences may appear beneficial. For example, extra water from glaciers means that hydroelectric dams will run at maximum power. In the long run, however, the melting of earth's glaciers could be catastrophic. Today's extra hydroelectric power has been stolen from the future. Communities with ample power now may have none after the glaciers have melted, and the loss of ice will increase sea levels worldwide.

Temperature change and a lack of snow is causing the retreat of the glaciers. Glaciers are no longer getting built up during the snowy winter months, so they are no longer able to maintain their size over the long run.

Unless there are some changes in the current rate of global warming, the glaciers are essentially doomed.

- 47 What does the word "beneficial" mean in this passage?
 (A) Helpful (B) Worthless (C) Dangerous (D) Unbelievable
- 48 Which of the following descriptions of glaciers is true?
 (A) Glaciers are the main water source for the Nile.
 (B) Melting glaciers may help hydroelectric dams run at maximum power for a long time.
 (C) As temperature increases, glaciers are getting built up.
 (D) Melting glaciers will result in the decline of sea levels.
- 49 What is the main idea of this passage?
 (A) Someday most glaciers in the world will disappear completely.
 (B) Melting glaciers provide water for irrigation, drinking, and transportation.
 (C) Temperature change and a lack of snow causes the decrease of glaciers.
 (D) The melting of glaciers is potentially disastrous to human beings.
- 50 According to this passage, which of the following statements is true?
 (A) The Nile is not affected by global warming.
 (B) Melting glaciers are caused by global warming.
 (C) With the melting of glaciers, we are saving hydroelectric power for the future.
 (D) Melting glaciers will only influence the world on a small scale.