

等 別：四等考試

類 別：各類別

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 立法、行政、司法三權分立係由下列那一位思想家完成具體的理論？
(A)洛克 (J. Locke) (B)孟德斯鳩 (Montesquieu)
(C)盧梭 (Rousseau) (D)孫中山
- 2 依憲法增修條文之規定，立法委員提出之領土變更案，非經我國自由地區選舉人投票複決，有效同意票過選舉人總額之多少，不得變更我國領土？
(A)二分之一 (B)三分之一 (C)四分之一 (D)五分之一
- 3 有關信仰宗教之自由，其所保障之範圍，不包括下列何者？
(A)信仰或不信仰之自由 (B)參加祈禱、禮拜等宗教活動
(C)禁止某部會首長加入宗教 (D)禁止國家對特定宗教團體為補助
- 4 司法院大法官釋字第 340 號解釋，認為公職人員選舉罷免法第 38 條第 2 項規定，政黨推薦之區域候選人，其保證金減半繳納，…與憲法第 7 條之意旨有違。此係違反了：
(A)平等原則 (B)比例原則 (C)法律保留原則 (D)必要性原則
- 5 依司法院大法官釋字第 384 號解釋，關於秘密證人的制度，剝奪被移送裁定人與證人對質詰問之權利，違反下列何者？
(A)令狀主義 (B)正當法律程序 (C)罪刑法定原則 (D)罪疑唯輕原則
- 6 依司法院大法官解釋，保安處分之宣告，應與行為人所為行為之嚴重性、行為人所表現之危險性，及對於行為人未來行為期待性相當。此係憲法何種原則之表現？
(A)公益原則 (B)罪刑法定主義 (C)期待可能性原則 (D)比例原則
- 7 下列何種自由或權利屬於憲法第 22 條（其他基本權利）之保障範圍？
(A)大學自治 (B)契約自由
(C)接近使用傳播媒體之權利 (D)權利遭受侵害時有法院救濟途徑
- 8 選舉人主動亮票，違反：
(A)直接選舉原則 (B)自由選舉原則 (C)秘密選舉原則 (D)普通選舉原則
- 9 依現行憲政體制，下列何者不是經由總統提名？
(A)監察院審計長 (B)監察院院長 (C)司法院院長 (D)立法院院長
- 10 立法委員之報酬或待遇，如何決定？
(A)經全體立法委員四分之三之出席，及出席委員四分之三之決議定之
(B)應以法律定之
(C)由立法院編列特別預算
(D)由考試院銓敘部定之
- 11 依憲法增修條文規定，立法院對行政院院長提出不信任案，須經下列何者之二分之一以上的贊成，方為通過？
(A)全體立法委員 (B)出席立法委員 (C)在場立法委員 (D)反對黨全體立法委員
- 12 關於立法委員的「言論免責權」，依司法院大法官釋字第 435 號解釋，下列敘述何者正確？
(A)只要是立法委員，在 3 年的任期內不論何時何地都可享有
(B)只有在院內所為和議事有關的言論及表決才可以享有
(C)因為氣憤，在議場內蓄意毆打他人的「肢體動作」，也包含在內
(D)在任期中，即使上電視參加叩應節目的言論，也可以享有

- 13 依憲法規定，下列那個機關掌有我國對外締結條約之最終議決權？
(A)總統 (B)國家安全會議 (C)行政院 (D)立法院
- 14 憲法增修條文中規定違憲政黨之解散，主要參考下列那一個國家憲法的設計？
(A)美國 (B)日本 (C)德國 (D)法國
- 15 依憲法本文及增修條文之規定，下列何者非依據法律獨立行使職權？
(A)法官 (B)考試委員 (C)監察委員 (D)立法委員
- 16 下列對於判例的敘述，何者為非？
(A)作為以後裁判相類似案件所援用的先例 (B)為法律的間接法源
(C)判例經決議、送備查後，即不得變更 (D)最高法院作成決議後，須報司法院備查
- 17 以下有關我國法律體系中，法律屬於「實體法」或「程序法」性質的區分，那一個敘述錯誤？
(A)強制執行法屬於程序法 (B)消費者保護法屬於程序法
(C)保險法屬於實體法 (D)貪污治罪條例屬於實體法
- 18 下列何者並非違反強行法的可能效果？
(A)只要當事人之間無異議，則意思表示或行為仍屬有效
(B)應處罰，但不妨害其效力
(C)無效，但不處罰
(D)無效，且應處罰
- 19 我國歷史上開始積極繼受外國法制及思想，是在下列那一時期？
(A)宋代末期 (B)明代末期 (C)清代末期 (D)民國抗戰之時
- 20 以下何者有違憲之虞，而曾被大法官會議宣告部分違憲：
(A)犯罪組織防治條例 (B)檢肅流氓條例 (C)少年事件處理法 (D)社會秩序維護法
- 21 所謂狹義之法律係指由立法院三讀通過，何機關公布之法律？
(A)立法院 (B)行政院 (C)總統 (D)司法院
- 22 立法院在審議法律案時，那一讀會是對法律案作逐條討論？
(A)第一讀會 (B)第二讀會 (C)第三讀會 (D)第四讀會
- 23 民法之一般消滅時效期間為：
(A) 10 年 (B) 2 年 (C) 15 年 (D) 20 年
- 24 依照現代民主法治國的原理，國家的權力來自下列何者？
(A)人民 (B)元首 (C)議會 (D)憲政習慣
- 25 下列對於法律三段論法的說明，何者錯誤？
(A)三段論法係邏輯學上的推論規則 (B)操作法律三段論法時，並不涉及到涵攝作用
(C)事實為小前提 (D)法規為大前提
- 26 受扶養權利者，以不能維持生活而無謀生能力者為限，但下列親屬中，何者不受限制？
(A)直系血親尊親屬 (B)旁系血親尊親屬 (C)直系血親卑親屬 (D)旁系血親卑親屬
- 27 依消費者保護法所提起之訴訟，如因企業經營者之故意所致之損害，消費者得另請求損害額幾倍以下之懲罰性賠償金？
(A) 4 倍 (B) 3 倍 (C) 2 倍 (D) 1 倍
- 28 甲嫉妒乙有個漂亮的古董花瓶，趁乙不在，把花瓶打破，甲的行為不屬於：
(A)故意犯 (B)作為犯 (C)結果犯 (D)過失犯
- 29 依我國公司法之規定，所謂具有中華民國國籍之公司係指下列何者而言？
(A)該公司之董事長具中華民國國籍 (B)該公司之最大股東具中華民國國籍
(C)該公司依中華民國公司法設立 (D)該公司之地址在中華民國
- 30 下列何者不能作為股份有限公司之出資種類？
(A)金錢 (B)公司所需之機器設備 (C)公司所需之土地 (D)勞務

- 31 _____ difficult the job may be, I will try my best to finish it.
(A) Whatever (B) However (C) Whenever (D) Whosever
- 32 He is one of the president's security guards by _____. It is his responsibility to ensure the safety of the president.
(A) occupation (B) reputation (C) presentation (D) quotation
- 33 Despite the _____ of the White House, the Senate voted today to cut off aid to Somalia.
(A) connections (B) electronics (C) objections (D) violations
- 34 He didn't pay attention to the teacher's lecture, _____ hard at home.
(A) he studied (B) so did he study (C) he neither studied (D) nor did he study
- 35 Henry put off doing all his biology assignments; _____, he failed the course.
(A) fortunately (B) gradually (C) consequently (D) surprisingly
- 36 The city is _____ dangerous with many gang members causing trouble all the time. Everybody knows it is unwise to wander on the streets alone.
(A) alternatively (B) notoriously (C) beneficially (D) vigorously

Customs concerning gift-giving are extremely important to understand. In some countries, gifts are expected, and 37 to present them is considered an insult, 38 in other countries, offering a gift is considered offensive. Business executives also need to know when to present gifts—on the initial visit or afterwards; where to present gifts—39 public or private; what type of gift to present; what color it should be; and how many to present. In Japan, gift-giving is an important part of doing business.

- 37 (A) willingness (B) openness (C) consent (D) failure
- 38 (A) whereas (B) wherever (C) wherein (D) whereof
- 39 (A) at (B) in (C) on (D) of
- 40 Man: Would you tell me where the train station is?

Woman: _____

Man: It's OK. Thanks anyway.

- (A) Go straight, and turn right at the second traffic light.
(B) It's within walking distance.
(C) The bus just left. You have to wait for another fifty minutes.
(D) Sorry, I am a tourist, too.
- 41 A: That's our flight.
B: OK. I'm ready to get out of here.
A: You're not worried about flying?
B: _____ It's safer than driving.
(A) I believe it. (B) Probably so. (C) Not at all. (D) I doubt it.

- 42 Steve: Hey! Buddy. What's up?

Frank: Well. _____

Steve: Wow! Cool! Let's see what it can do.

- (A) I won the first prize in the writing contest. (B) I bought this new digital camera yesterday.
(C) I got up at seven and went to school late. (D) I have recently taken a trip to Japan.

- 43 Teacher: How is it you are late again ?

Student: _____

Teacher: It seems you can always find a good excuse.

- (A) I won't miss your class for anything. (B) We don't have any class in the morning.
(C) I need to figure out an excuse for it. (D) I overslept because the alarm clock didn't go off.

- 44 Ryan: Hi! Have you heard about Henry?
Mike: No, I haven't. What happened?
Ryan: He was hurt in a car accident yesterday.
Mike: _____ That's the second time he's been hurt in a car accident this year.
(A) No wonder. (B) Unbelievable! (C) By all means. (D) It really turns me off!
- 45 Agent: Hello, Sunshine Realty. May I help you?
Helen: Yes, I'm looking for an apartment starting on the fifth of next month.
Agent: How many bedrooms would you like?
Helen: _____ If possible, I'd like to have a balcony and good security for my apartment.
(A) I can pay the rent on the first day of each month. (B) I am willing to sign a lease.
(C) I'd like a two-bedroom apartment near Tienmu. (D) I hope the apartment can have a bathtub.
- 46 Mr. Smith: I've just brought your ladder back, Mr. Bake. Where shall I leave it?
Mr. Bake: Just lean it against the wall there. _____
Mr. Smith: Just about. All the neighbors have been very kind. I think we'll be very happy here.
(A) How much more do you have to do? (B) Are you settled in your new house?
(C) Use the ladder again any time. (D) What did you do to your new house?
- I must admit that there are a high number of stray dogs in Taiwan. One hears of many cases of people being bit by dogs. Society is becoming increasingly antagonized by such incidents. But as many people suggest, killing dogs is not the solution. Also, how many dogs are we going to put in the pound? I believe the solution lies in sterilizing the dogs; if the Association for Animal Protection and Welfare embarks on a well-organized sterilization drive, then the dog population will gradually decline and they won't seem like a nuisance anymore. We need to work collectively towards this end and aid the Association for Animal Protection and Welfare in their task.
- Another way to control the increasing number of stray dogs is to adopt them. Those who can afford to adopt a dog, give it food and keep it well groomed and free from infections and diseases could take the effort to adopt dogs. Dogs do not harm anybody unless they themselves are harmed or provoked. If anybody pelts stones at the dogs, they retaliate in self-defense. Man does not have the right to kill animals, since they too possess the right to live. Dogs by themselves do not harm anybody. They are tame creatures. Ultimately, all of us must learn to co-exist.
- 47 What does the passage mainly discuss?
(A) How to kill stray dogs. (B) How to hold a dog adoption event.
(C) How to solve the stray dog problem. (D) How to sterilize stray dogs.
- 48 According to this article, what's the best way to reduce the stray dog population?
(A) Raising dog-killing creatures.
(B) Promoting the sterilization and adoption of dogs.
(C) Establishing an Association for Animal Protection and Welfare.
(D) Considering a ban on the killing of stray dogs.
- 49 The word "pelt" in paragraph 2 could be replaced by _____.
(A) throw (B) grind (C) rock (D) break
- 50 According to this article, which of the following statements is true?
(A) We should keep as many stray dogs in the pounds as possible.
(B) Killing stray dogs is an act of self-defense.
(C) Adopting dogs is a nuisance for many people.
(D) Adopters should bear the responsibility of taking care of their dogs.