

95 年特種考試地方政府公務人員考試試題

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 依現行法制，下列何者並未享有言論免責權？
(A)立法院立法委員 (B)監察院監察委員 (C)高雄市市議員 (D)板橋市市民代表
- 2 依憲法增修條文之規定，司法院設大法官十五人，由總統提名，經下列何者之同意任命之？
(A)行政院 (B)立法院 (C)監察院 (D)考試院
- 3 依憲法增修條文之規定，下列何種事項之通過，毋須交付人民投票決定？
(A)總統之彈劾 (B)憲法之修改 (C)領土之變更 (D)總統之罷免
- 4 依司法院大法官釋字第 378 號解釋，律師受律師懲戒覆審委員會之決議後，若對之不服，是否還有行政救濟之途徑？
(A)尙得提起再訴願 (B)尙得提起訴願
(C)尙得提起行政訴訟 (D)不得再行提起行政訴訟
- 5 中華民國國民滿二十歲，除有特殊情形外，每個人都有選舉權，叫做：
(A)普通選舉 (B)平等選舉 (C)直接選舉 (D)無記名選舉
- 6 依司法院大法官釋字第 402 號解釋，法律雖得授權以命令為補充規定，惟授權之目的、範圍及內容必須具體明確，係指下列何項原則？
(A)法安定性原則 (B)權力分立原則 (C)授權明確性原則 (D)比例原則
- 7 現役軍人受軍事審判係限制人民之那一項基本權利？
(A)工作權 (B)服公職的權利 (C)訴訟權 (D)生存權
- 8 作為國家的主權者而參與國家事務的權利稱為：
(A)參政權 (B)自由權 (C)社會權 (D)受益權
- 9 依憲法本文規定，法律與憲法抵觸者無效，法律與憲法有無抵觸發生疑義時，由何機關解釋之？
(A)立法院 (B)普通法院 (C)司法院 (D)行政法院
- 10 將個人身分、健康與財務資料完整地納入一片晶片上之「國民卡」措施，可能使人民之何種權利受到侵害？
(A)結婚自由 (B)隱私權 (C)健康權 (D)行動自由
- 11 司法院大法官釋字第 499 號解釋宣告第五次憲法增修條文修憲程序違反議事法則，實質內容違反下列何項原則，應屬無效？
(A)國民主權原則 (B)民主原則 (C)權力分立原則 (D)共和國原則
- 12 依憲法第 160 條第 2 項之規定，已逾學齡未受基本教育之國民，一律接受何種教育？
(A)推廣教育 (B)成人教育 (C)國民教育 (D)補習教育
- 13 依據憲法增修條文之規定，立法院提出憲法修正案後，交由何者複決？
(A)國民大會 (B)中華民國自由地區選舉人投票決定
(C)司法院大法官會議 (D)監察院
- 14 下列何者並非憲法第 13 章第 2 節「外交」第 141 條內所明定之基本國策內容？
(A)尊重條約及聯合國憲章 (B)提倡國際正義
(C)禁止以軍事行動解決外交爭端 (D)應本獨立自主之精神，平等互惠之原則

- 15 法院得依法裁定管收有公法上金錢給付義務之義務人，管收是對人民那一項基本權利所為之限制？
(A)人身自由 (B)居住自由 (C)遷徙自由 (D)隱私權
- 16 下列何種社會規範，有國家強制力為其實現的手段？
(A)道德 (B)民法 (C)風俗 (D)國民生活須知
- 17 「槍砲彈藥刀械管制條例」對於刑法而言，屬於何種法律規範？
(A)任意法 (B)不成文法 (C)特別法 (D)子法
- 18 下列有關「法律的發展」的敘述，何者錯誤？
(A)法律的變遷往往與社會及文化變遷有關
(B)文字上相同的法律條文在不同的社會或國家當中，對它的解釋和適用可能會有不同
(C)政治體制的變遷會影響法律的變遷
(D)即使在不同的時空環境及社會需要下，對於法律條文的解釋應該只有唯一一種正確且不變的解釋
- 19 在立法院審查法律案時，逐條提付討論者為：
(A)第一讀會 (B)第二讀會 (C)第三讀會 (D)第四讀會
- 20 法律自施行之日起發生效力，而效力約束之對象，僅及於法律生效後所發生之事件，此稱為何種原則？
(A)法律不溯及既往原則 (B)判例拘束原則
(C)特別法優先於普通法原則 (D)一事不再理原則
- 21 司法院大法官審理案件法第 13 條規定：「大法官解釋案件，應參考制憲、修憲及立法資料。」是屬於何種法律解釋方法？
(A)反面解釋 (B)歷史解釋 (C)當然解釋 (D)限制解釋
- 22 下列何者不屬於從權利？
(A)所有權 (B)抵押權 (C)利息之債 (D)地上權
- 23 父母濫用其對於子女之權利，經法院宣告停止其權利之全部或一部。此屬於何種類型之民事制裁？
(A)回復原狀 (B)金錢賠償 (C)契約解除權之行使 (D)身分權之剝奪
- 24 下列何者為公司法所稱之中央主管機關？
(A)財政部 (B)經建會 (C)經濟部 (D)法務部
- 25 所謂可轉換公司債，係指公司債之債權人得轉換成為公司中何種成員？
(A)員工 (B)董事 (C)優先債權人 (D)股東
- 26 刑法第一條規定，行為之處罰，以行為時法律有規定者為限，稱為：
(A)罪刑法定原則 (B)行為人主義 (C)行為主義 (D)罪刑相當原則
- 27 關於法人，下列敘述何者錯誤？
(A)財團法人必是營利性法人
(B)臺北市政府並非法人
(C)股份有限公司與完成法人登記的學會，都一樣是社團法人
(D)公法人亦得享有私權
- 28 下列何者非屬總統之職權？
(A)公布法令 (B)提出預算案 (C)提名司法院大法官 (D)任命行政院院長
- 29 「法律位階理論」係由誰提倡？
(A)洛克 (John Locke) (B)霍姆斯 (Oliver Wendell Holmes)
(C)凱爾生 (Hans Kelsen) (D)龐德 (Roscoe Pound)
- 30 就法律條文所表達的文字、文法結構而為的解釋，是為：
(A)文義解釋 (B)論理解釋 (C)歷史解釋 (D)目的性解釋

- 31 The effects of the medicine could _____ from eating disorders to death.
(A) recover (B) range (C) include (D) result
- 32 Planting trees has _____ the community. Thanks to the change, people can have picnics under the trees and the air is much fresher now.
(A) disturbed (B) invaded (C) prospered (D) transformed
- 33 The music at the rock concert was so _____ that I could hardly make myself heard.
(A) enormous (B) rhythmic (C) mellow (D) deafening
- 34 I have been thinking about this for a week and this is the only solution I can _____.
(A) come up with (B) come down with (C) make up for (D) make up with
- 35 The storekeeper was _____ of the teenager who had come into the store many times without buying anything.
(A) durable (B) frequent (C) suspicious (D) vicious
- 36 After a heated argument, Joe left Margaret for another woman. Little _____ that Margaret loved him very much.
(A) knew he (B) did he knew (C) he knew (D) did he know
- 37 The weather _____ nice, we decided to go hiking.
(A) was (B) would be (C) being (D) to be

第 38 題至第 41 題為題組：

It has long been part of folk wisdom that birth order strongly affects personality. However, most of the research claiming that firstborns are radically different from other children has been 38. It now seems that any effects of birth order on personality will likely be washed out by all the other influences in a person's life. 39, the belief in the permanent impact of birth order, according to Toni Falbo, a social psychologist at the University of Texas at Austin, "comes from the psychological theory that your personality is fixed by the time you are six. That 40 simply is incorrect."

The better, later and larger studies are less likely to find birth order a useful predictor of anything. When two Swiss social scientists, Cecile Ernst and Jules Angst, 41 1,500 studies a few years ago, they concluded that "birth-order differences in personality are nonexistent in our sample" and that "in particular, there is no evidence for a 'firstborn personality.'"

- 38 (A) adopted (B) confirmed (C) discredited (D) overcome
- 39 (A) On the other hand (B) As a result (C) That is to say (D) In fact
- 40 (A) inspection (B) promotion (C) explosion (D) assumption
- 41 (A) adopted (B) reviewed (C) applied (D) recommended
- 42 A: I want to go to the train station. _____
B: Well, it's about a ten-minute drive and about twenty minutes by bus.
(A) Is it famous? (B) Is it still open? (C) Is it good? (D) Is it far?
- 43 Mark: What happened? What's the hurry?
Stella: _____
Mark: Get into the car. We'll be there in no time.
(A) It's hard to get a ride now. (B) Taking a short walk is good for me.
(C) I just finished my exercise. (D) I have to go to the bank before it closes.

44 Mother: Welcome home! How's the weather in Taipei?

Son: _____

Mother: I should have guessed. You are dressed like an Eskimo.

- (A) It's sunny and warm. (B) It's scorching hot. (C) It's freezing cold. (D) It's cool and dry.

45 Pat: Tell me about your parents. _____

Jim: Well, my father is retired, and my mother manages a flower shop.

- (A) How old are they? (B) Where do they live? (C) Do they love each other? (D) What do they do?

46 Husband: My boss finally promised to give me a ten-day vacation next month.

Wife: _____ You haven't taken a day off in these three years!

- (A) I can't agree with you more. (B) That's more like it.
(C) He's as cool as a cucumber. (D) It's a match made in heaven.

What is happiness? In the United States and in many other industrialized countries, it is often equated with money. Economists measure consumer confidence on the assumption that the resulting figure says something about progress and public welfare. The gross domestic product is routinely used as shorthand for the well-being of a nation.

But the small Himalayan kingdom of Bhutan has been trying a different idea. In 1972, concerned about the problems afflicting other developing countries that focused only on economic growth, Bhutan's newly crowned leader, King Wangchuck, decided to make the gross national happiness a priority in his kingdom.

Bhutan, the king said, needed to ensure that prosperity was shared across society and that it was balanced against preserving cultural traditions, protecting the environment, and maintaining a responsive government.

While household incomes in Bhutan remain among the world's lowest, life expectancy increased by 19 years from 1984 to 1998, jumping to 66 years. The country, which is preparing to shift to a constitution and an elected government, requires that at least 60 percent of its lands remain forested, welcomes a limited stream of wealthy tourists, and exports hydropower to India.

依上文回答 47 題至 50 題：

47 What is the result of King Wangchuck's policies?

- (A) People in Bhutan become wealthier. (B) Bhutan attracts more tourists.
(C) People in Bhutan enjoy longer life span. (D) Bhutan cuts down a lot of trees.

48 Which of the following is one of the king's policies?

- (A) Emphasizing economic growth. (B) Eliminating cultural traditions.
(C) Increasing household incomes. (D) Exporting hydropower to India.

49 What do the people in the United States measure happiness with?

- (A) Environmental protection. (B) Life expectancy.
(C) Satisfaction with life. (D) Wealth.

50 What does Bhutan plan to achieve in the future?

- (A) A democratic government. (B) Economic prosperity.
(C) Higher gross domestic product. (D) A booming tourist industry.