

等 別：三等考試

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 憲法第 1 條明定中華民國為民主共和國，下列何項原則並非民主國家必須具備的特徵？
(A)國民主權原則 (B)多數決原則 (C)政黨政治原則 (D)聯邦國原則
- 2 有關國民與公民之敘述，下列何者錯誤？
(A)中華民國國民係指具有中華民國國籍者
(B)國民係指滿二十歲之成年人
(C)公民是指取得法定資格或條件而享有參與國家公權行使的國民
(D)公民有選舉之自由
- 3 下列事項何者曾被司法院解釋認為違反「男女平等」而宣告違憲？
(A)兵役法規定，僅中華民國男子依法有服兵役之義務
(B)一夫一妻之婚姻制度
(C)夫或妻之剩餘財產差額分配請求權
(D)父母對於未成年子女權利之行使意思不一致時，應由父行使之規定
- 4 若法律規定：「律師接見羈押被告時監聽、錄影所獲得之資訊，得作為審判上認定被告犯罪事實之證據。」依據司法院解釋，請問此項規定違反被告下列何項憲法基本權利之保障？
(A)訴訟權 (B)集會自由 (C)言論自由 (D)人身自由
- 5 司法院釋字第 364 號解釋有提及國家應保障電波頻率的使用為合理分配，並尊重人民「平等接近使用傳播媒體」之權利。請問此係由那一個基本權利所導引而來？
(A)秘密通訊自由 (B)言論自由 (C)財產權 (D)工作權
- 6 依憲法增修條文第 2 條第 4 項規定，總統為決定國家安全有關大政方針，得設何種組織？
(A)國家調查會議及所屬調查局 (B)國家中央情報會議及所屬中央情報局
(C)國家安全會議及所屬國家安全局 (D)國家緊急會議及所屬軍事情報局
- 7 如果國家限制自己的國民不能回到國內，是涉及人民之何種自由？
(A)言論自由 (B)遷徙自由 (C)講學自由 (D)集會自由
- 8 下列何者非行政院院長之職權？
(A)法令副署 (B)移請覆議 (C)宣布戒嚴 (D)主持行政院會議
- 9 依憲法本文所列舉之監察院職權，何者已於增修條文中被刪除？
(A)同意權 (B)彈劾權 (C)糾舉權 (D)審計權
- 10 立法院對行政院院長所提出之不信任案未獲通過時，下列敘述何者正確？
(A)行政院院長應即辭職 (B)一年內不得對同一行政院院長再提不信任案
(C)行政院院長得呈請總統解散立法院 (D)總統得宣告解散立法院
- 11 下列何者不屬於考試院掌理之事項？
(A)公務員之懲戒 (B)公務人員考試
(C)公務人員之銓敘、保障、撫卹、退休 (D)專門職業及技術人員執業資格考試
- 12 依司法院解釋，關於公務員懲戒之敘述，下列何者錯誤？
(A)公務員懲戒得視其性質於合理範圍內以法律規定由其長官為之
(B)公務員受記大過之懲處處分，得向司法機關請求救濟
(C)公務員懲戒案件之審議，應本正當法律程序之原則
(D)公務員懲戒機關之成員屬於憲法上之法官
- 13 依憲法增修條文規定，國家應重視社會救助、福利服務、國民就業、社會保險及醫療保健等社會福利工作，何類支出應優先編列？
(A)福利服務等福利性支出 (B)社會保險等保險支出
(C)社會救助等救濟性支出 (D)醫療保健等醫療支出
- 14 依據地方制度法規定，地方自治團體不具有下列何項權限？
(A)人事權 (B)立法權 (C)刑罰權 (D)財政權

- 15 立法院所提出之憲法修正案，依憲法增修條文第 12 條規定，應經下列何種程序，方得交由公民投票複決之？
(A)大法官審查通過 (B)公告半年 (C)舉行公開辯論會 (D)徵求公民連署支持
- 16 下列何者是間接法源？
(A)全民健康保險法 (B)最高法院判例 (C)國際條約 (D)臺南市自治規則
- 17 依中央法規標準法規定，下列何者非機關發布命令之名稱？
(A)通則 (B)綱要 (C)辦法 (D)標準
- 18 如法律於 9 月 10 日公布，依中央法規標準法第 13 條規定於何時開始生效？
(A)同年 9 月 10 日 (B)同年 9 月 11 日 (C)同年 9 月 12 日 (D)同年 9 月 13 日
- 19 下列何者不是我國現行法律體系之特徵？
(A)程序法格外發達 (B)公法與私法二元區分 (C)法官為特別職公務員 (D)民商合一制度
- 20 下列何者不是違反強行法之規定而可能有的後果？
(A)行為有效但受處罰 (B)行為有效且不受處罰 (C)行為無效且不受處罰 (D)行為無效並受處罰
- 21 下列何者非刑法上保安處分之類型？
(A)強制工作 (B)強制治療 (C)強制入學 (D)驅逐出境
- 22 若甲於民國（下同）100 年 9 月 1 日觸犯某罪刑，依法應被科處「三年以下有期徒刑」。惟於 100 年 10 月 1 日該法已修正為「一年以下有期徒刑」，且自同年 10 月 15 日起生效。請問當法院於 100 年 10 月 30 日審判甲案時，應該如何適用法律？
(A)基於新法優於舊法原則，應適用新法
(B)基於法律不溯及既往原則，應適用舊法
(C)基於信賴保護原則，應適用舊法
(D)基於自由心證原則，審判庭得自行決定欲適用之法律
- 23 交通警察對闖紅燈之駕駛開罰單之行為，屬於：
(A)行政指導行為 (B)行政監督行為 (C)行政處分行為 (D)行政公告行為
- 24 下列何者不是我國現行法上的權利主體？
(A)甲婦腹中之胎兒 (B)臺東美麗灣之自然生態
(C)中華郵政公司 (D)七星農田水利會
- 25 下列有關於物權之取得時點，何者錯誤？
(A)原始建築物：於建築完畢時取得 (B)先占：於占有之時取得
(C)繼承：於受領遺產時取得 (D)果實自落鄰地：於落地時歸鄰地所有人取得
- 26 依消費者保護法第 19 條規定，郵購或訪問買賣之消費者，對所收受之商品不願買受時，得於收受商品後幾日內，解除契約而無須負擔任何費用？
(A) 7 日 (B) 10 日 (C) 15 日 (D) 30 日
- 27 下列何者不屬於得適用勞動基準法之勞工？
(A)工廠之員工 (B)學校之工友 (C)科技公司的秘書人員 (D)職業高爾夫球員
- 28 便利商店咖啡聯合漲價被行政院公平交易委員會罰二千萬元，這項制裁是屬於：
(A)商法上的制裁 (B)行政法上的制裁 (C)民法上的制裁 (D)刑法上的制裁
- 29 法律不溯及既往原則與下列何者無關？
(A)比例原則 (B)法安定性原則 (C)處罰法定原則 (D)信賴保護原則
- 30 依勞工保險條例第 9 條規定，何者非被保險人得繼續參加勞工保險之情形？
(A)應徵召服兵役 (B)當選為民意代表
(C)派遣出國考察、研習或提供服務 (D)在職勞工，年逾六十而繼續工作
- 31 The old man had the ___ to save money during his teaching career so as not to be dependent on irregular Social Security checks after his retirement.
(A) foresight (B) initiation (C) stinginess (D) thrift
- 32 China has never ___ what it says its right to take Taiwan by force if peaceful blandishments fail.
(A) announced (B) denounced (C) pronounced (D) renounced
- 33 The judge decided to ___ their marriage when she found out the groom had already had a wife.
(A) nullify (B) multiply (C) liquefy (D) petrify

- 34 Marlon expects to successfully ___ his boxing title in the next Olympics.
(A) acquit (B) defend (C) forsake (D) match
- 35 There can be ___ scarier experience than to be chased by wild animals.
(A) no (B) such (C) any (D) not
- 36 The drought has set off “water wars”, pitting farmers against city dwellers and one state against another.
(A) Water shortage has triggered quarrels between farmers and city dwellers and between states.
(B) In many states, farmers and city dwellers have had different opinions about what might have caused the drought.
(C) A series of droughts in one state after another have caused the wars between farmers and city dwellers.
(D) In one state after another, farmers started a series of campaigns against city dwellers in order to solve the drought problem.
- 37 Rather than walling off the neighborhoods surrounding them, structures of modern shopping malls welcome in the natural terrain and relate to local history.
(A) Modern shopping malls are welcomed in natural as well as historical sites.
(B) Modern shopping malls are not isolated structures; they blend naturally and historically into their surroundings.
(C) Without high walls blocking modern shopping malls from their neighborhoods, they are welcomed in various areas.
(D) To welcome people in all areas, modern shopping malls do not build high walls around them.
- 38 I don't think John would support us. He was just paying us ___ service.
(A) lip (B) air (C) civil (D) express

Every year when April 14 rolls around we like to acknowledge Noah Webster, who published the first *American Dictionary of the English Language* on this date in 1828. Webster considered American English not a poor cousin of the mother tongue of British English, 39 a legitimate body worth respecting, recording, and, yes, reforming. The American lexicographer attempted to 40 a number of spelling reforms. Noah Webster's efforts were part of a long history of attempts to reform the quirky English orthography. In 1876, on the centennial of the American Declaration of Independence, and almost half a century after the *American Dictionary of the English Language* was first published, a committee of the American Philological Association (APA) recommended serious spelling reform. Ten years after that, the members of the APA produced a list of 3,500 words whose spellings, they felt, should be changed. But 41 almost 200 years of lists, announcements, and pronouncements, it is still safe to say that more lasting changes in American spelling have been the result of actual use by the people, not of decrees from on high.

請依上文回答第 39 題至第 41 題。

- 39 (A) and (B) as (C) but (D) or
- 40 (A) acquire (B) constitute (C) institute (D) manipulate
- 41 (A) despite (B) because of (C) in addition to (D) for the sake of

My mother was 82 and living in Keoluk when, unaccountably, she insisted upon attending a convention of old settlers of the Mississippi Valley. All the way there, and it was some distance, she was young again with excitement and eagerness. At the hotel she asked immediately for Dr. Barrett of St. Louis. He had left for home that morning and would not be back, she was told. She turned away, the fire all gone from her, and asked to go home. Once there she sat silent and thinking for many days, then told us that when she was 18 she had loved a young medical student with all her heart. There was a misunderstanding and he left the country; she had immediately married, to show him that she did not care. She had never seen him since and then she had read in a newspaper that he was going to attend the old settlers' convention. “Only three hours before we reached that hotel he had been there,” she mourned.

She had kept that pathetic burden in her heart 64 years without any of us suspecting it. Before the year was out, her memory began to fail. She would write letters to schoolmates who had been dead for 40 years and wonder why they never answered. Four years later she died.

請依上文回答第 42 題至第 46 題。

- 42 Why did the author's mother insist on going to a hotel where a convention was held?
(A) The convention was run by her old schoolmates.
(B) She was one of the old settlers of the Mississippi Valley.
(C) Her former lover would attend the convention.
(D) Dr. Barrett of St. Louis could cure her memory problem.
- 43 Why didn't the author's mother meet with Dr. Barrett at the hotel?
(A) Dr. Barrett refused to meet with her.
(B) Dr. Barrett was not the person she looked for.
(C) Dr. Barrett had left a few hours before she arrived.
(D) Dr. Barrett had been dead for years before she arrived.
- 44 How old was the author's mother when she died?
(A) 64 (B) 82 (C) 83 (D) 86
- 45 How did the author's mother know that Dr. Barrett would attend the convention?
(A) She knew it from a letter sent by one of her old schoolmates.
(B) She learned it from the newspaper she read in Keoluk.
(C) She was informed of it by the correspondence she had with Dr. Barrett.
(D) She recalled it from the memory she had hidden for more than six decades.
- 46 Which of the following statements about the author's mother is true?
(A) She became pathetic because none of her schoolmates answered her letters.
(B) She was very excited on her way home from the convention.
(C) She remained unmarried after breaking up with her lover at 18.
(D) She still cared about Dr. Barrett at the age of 82.

Advertising affects a consumer's perception of value by contributing to the symbolic value and the social meaning of a brand. Symbolic value refers to what a product or service means to consumers in a non-literal way. 47 Otherwise, they would not be brands, but unmarked commodities. Social meaning refers to what a product or service means in a societal context. 48 Often, the product's connection to a social class shows a need within consumers to move up in class.

Researchers have long argued that objects are never just objects. 49 It is important to remember that these meanings often become just as much a part of the product as some physical features. Since advertising is an essential way in which the image of a brand is developed, it influences consumers' perception of the value of the brand. 50 In other words, if the image of a product is valued by consumers, then consumers will pay to buy the product.

請依上文回答第 47 題至第 50 題。

- 47 (A) Advertising means different things to different people.
(B) In reality, all branded products rely on symbolic value.
(C) For example, social class is marked by products that signify class membership, such as cars, wines, and clothes.
(D) Most people like some of the ads they see or hear, but they don't like advertising in general.
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