

等 別：薦任  
類 科：各類科（公務）  
科 目：法學知識與英文

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 有關選舉事項，我國憲法增修條文對於下列何種身分之人其當選名額，有特別明文加以保障其當選比例？  
(A)僑居國外國民 (B)身心障礙者 (C)婦女 (D)職業代表
- 2 下列那兩項職務可以同時擔任？  
(A)交通部部長與立法委員 (B)行政院院長與政黨領袖  
(C)法務部部長與大法官 (D)監察委員與立法委員
- 3 下列何種公職人員不是憲法明文規定應超出黨派者？  
(A)法官 (B)縣市長 (C)考試委員 (D)監察委員
- 4 下列何者有到立法院院會備詢之義務？  
(A)總統府秘書長 (B)銓敘部部長 (C)考選部部長 (D)法務部部長
- 5 依據總統副總統選舉罷免法第 22 條之規定，得以政黨推薦方式向中央選舉委員會推薦登記總統副總統候選人之政黨，於最近任何一次總統、副總統或立法委員選舉，其所推薦候選人得票數之和，應達該次選舉有效票總和多少以上？  
(A)百分之三 (B)百分之五 (C)百分之八 (D)百分之十
- 6 我國憲法未明文保障人民之生命權，依司法院大法官之相關解釋，人民之生命係由下列何種權利所保障？  
(A)憲法第 8 條人身自由 (B)憲法第 15 條生存權  
(C)憲法第 22 條人民之其他自由及權利 (D)憲法第 15 條工作權
- 7 依據司法院大法官解釋，下列何者為憲法第 22 條非憲法明文列舉權利？  
(A)商業性言論 (B)職業選擇自由 (C)契約自由 (D)正當法律程序
- 8 下列何者不屬於憲法第 18 條所規定「公職」？  
(A)各級民意代表 (B)律師 (C)公務員 (D)國立大學行政人員
- 9 依憲法增修條文規定，立法委員自第 7 屆起，任期為幾年？  
(A)2 年 (B)3 年 (C)4 年 (D)5 年
- 10 依據司法院大法官解釋，下列何者非屬憲法第 8 條所定之法院？  
(A)審判長 (B)受命法官 (C)受託法官 (D)檢察官
- 11 英美國家之「人身保護令狀」相當於我國那一種制度？  
(A)上訴制度 (B)訴願制度 (C)行政訴訟制度 (D)提審制度
- 12 依司法院釋字第 364 號解釋，民眾得依一定條件，要求傳播媒體提供版面或時間，許其行使表達意見之權利，稱為：  
(A)使用媒體廣告權 (B)媒體編輯自由權  
(C)接近使用傳播媒體之權利 (D)媒體公告權
- 13 依憲法第 143 條第 2 項規定，附著於土地之礦，及經濟上可供公眾利用之天然力，歸何人所有？  
(A)土地所有權人所有，國家不得剝奪 (B)國家所有  
(C)土地所有權人占有 (D)土地所有權人所有，但由國家占有
- 14 依憲法增修條文第 10 條第 11 項之規定，國家肯定多元文化，下列何者主要目的在於實踐此一目標？  
(A)公平交易法 (B)原住民族基本法 (C)就業服務法 (D)國籍法
- 15 根據憲法增修條文規定，下列何者並非領土變更案之程序要件？  
(A)由行政院會議提議 (B)經立法院議決後提案  
(C)提案須公告半年 (D)最後須經中華民國自由地區選舉人投票複決
- 16 依司法院大法官解釋，律師懲戒委員會在性質上相當於下列何機關之初審職業懲戒法庭？  
(A)地方法院 (B)高等法院 (C)最高法院 (D)司法院

- 17 關於智慧財產法院事物管轄之敘述，下列何者正確？  
(A)侵害商標、專利及著作權等智慧財產權益之刑事案件，不論何者均由智慧財產法院管轄第一審  
(B)侵害商標、專利及著作權等智慧財產權益之民事案件，不論何者均由智慧財產法院管轄第一審  
(C)少年擺地攤，違法販售仿冒商標之物品，經被害人報警逮捕，警局應將少年移送智慧財產法院  
(D)違反商標法、著作權法之犯罪，不服地方法院之簡易判決，應向智慧財產法院提起第二審上訴
- 18 關於契約之要約的敘述，下列何者錯誤？  
(A)契約之要約人因要約而受拘束  
(B)要約經拒絕者，失其拘束力  
(C)價目表之寄送得視為要約  
(D)對話為要約者，非立時承諾，失其拘束力
- 19 關於法律漏洞之敘述，下列何者錯誤？  
(A)法律漏洞係指法律對於應規定的事項，因立法者疏忽而漏未規定  
(B)法律漏洞只能透過立法者事後加以補充  
(C)類推適用主要係民法上法律漏洞填補的方法之一  
(D)法律漏洞可依民法第 1 條規定之法理加以補充
- 20 依司法院大法官解釋，社會秩序維護法對於從事性交易之行為人，僅以意圖得利之一方為處罰對象，而不處罰支付對價之相對人的規定，不符合下列何種原則？  
(A)比例原則  
(B)法律保留原則  
(C)平等原則  
(D)信賴保護原則
- 21 以權利的內容而言，下列何者不屬財產權範圍？  
(A)信用權  
(B)債權  
(C)物權  
(D)準物權
- 22 甲受僱於乙公司，因執行業務發生車禍成為植物人，無法為意思表示，試問下列何者無權聲請法院對甲宣告監護？  
(A)甲的兄弟姐妹  
(B)乙公司  
(C)管轄法院檢察官  
(D)主管社會福利機構
- 23 下列身分行為，何者不以訂立書面為法律行為成立之要件？  
(A)認領  
(B)收養  
(C)結婚  
(D)兩願離婚
- 24 未成年人結婚後，未得法定代理人之同意即自行離婚，此身分行為之法律效力為何？  
(A)有效  
(B)無效  
(C)得撤銷  
(D)效力未定
- 25 甲並無子女，死亡後，其遺產由甲的配偶 A 及甲的父母 B、C 繼承，試問 A、B、C 之應繼分各為若干？  
(A) A、B、C 之應繼分各為三分之一  
(B) A 之應繼分為二分之一，B、C 各為四分之一  
(C) A 之應繼分為三分之二，B、C 各為六分之一  
(D) A 全部繼承，B、C 無繼承權
- 26 甲唆使乙殺 A，乙持刀埋伏等候 A 之際，遭巡邏警員逮捕，甲、乙應如何論罪？  
(A)甲教唆殺人未遂，乙殺人未遂  
(B)甲教唆殺人未遂，乙預備殺人  
(C)甲教唆預備殺人，乙預備殺人  
(D)甲無罪，乙預備殺人
- 27 下列何人是歷史法學派之代表人物？  
(A)薩維尼 (Friedrich Carl von Savigny, 1779-1861)  
(B)耶林 (Rudolf von Jhering, 1818-1892)  
(C)邊沁 (Jeremy Bentham, 1748-1832)  
(D)康德 (Immanuel Kant, 1724-1804)
- 28 公務員懲戒委員會懲處違法失職公務員，是憲法上那一種權力？  
(A)行政權  
(B)立法權  
(C)司法權  
(D)監察權
- 29 刑事訴訟法上關於指定辯護之規定，下列敘述，何者錯誤？  
(A)偵查中有指定辯護之需要時，檢察官應聲請法院指定律師為被告辯護  
(B)審判中有指定辯護之需要時，審判長得指定公設辯護人或律師擔任之  
(C)強制辯護案件有關指定辯護之規定，於第三審之審判不適用之  
(D)已經指定辯護人之案件，辯護人未經到庭辯護而逕行審判者，判決違法
- 30 下列何者不屬於刑法上所規定「保安處分」之種類？  
(A)保護管束  
(B)易服社會勞動  
(C)驅逐出境  
(D)強制工作
- 31 After lengthy discussions and debates, the jury finally reached a \_\_\_\_\_. They found the defendant not guilty.  
(A) convict  
(B) declaration  
(C) jurisdiction  
(D) verdict
- 32 The way the teacher presented it leaves us with no \_\_\_\_\_ but to do what she said.  
(A) allowance  
(B) alternative  
(C) condemnation  
(D) contradiction
- 33 An employment \_\_\_\_\_ involves the buying and the selling of labor hours.  
(A) transaction  
(B) transcription  
(C) transformation  
(D) transliteration

- 34 Travelers may be spooked, delayed or detoured, but not \_\_\_\_\_. Despite a chain of calamities, more and more people leave home on holidays.  
(A) deferred (B) deterred (C) discriminated (D) disseminated
- 35 The new legislation will not solve the problem; in fact, it will do \_\_\_\_\_ the opposite.  
(A) accurately (B) barely (C) precisely (D) specially
- 36 \_\_\_\_\_ I began to think about alternative models of agricultural development.  
(A) It was 1976 (B) In 1976 when (C) Not until 1976 when (D) It was in 1976 that
- 37 The teacher \_\_\_\_\_ students hand in the assignment before they left the classroom.  
(A) did (B) made (C) told (D) talked

請依下文回答第 38 題至第 42 題

What to write about is the first problem of a student who must periodically submit a theme or an essay. This question arises not from actual lack of material but from 38 to take the right view of the material one has. A short reflection should convince the student that he or she thinks about many things; and a solution to the problem will be found partly at least in an examination of what he or she already has in mind. One of the great 39 of education comes when we perceive that there is no such thing as a naturally uninteresting subject. Anything can be interesting if one knows enough about it. A certain amount of imagination is required and a certain focusing of the view, of course, but there is no reason why a small thing should be of small interest, or why a familiar one should be 40 rich possibilities. The automobile is an exceedingly commonplace object in American life, yet with the right approach it becomes a subject of commanding interest to the economist, to the engineer, or to the prospective vacationer. Perhaps few things arouse so little thought as the table salt, yet when salt is considered in relation to living organisms, in connection with certain historical movements, or with regard to its industrial uses, it is 41 transformed into a subject of extraordinary interest. These are examples of ordinary objects capable of 42 treatment, and it is precisely this kind of connection that the student must make between his stock of knowledge and its opportunities for development and interpretation.

- 38 (A) access (B) failure (C) resort (D) success
- 39 (A) revelations (B) resolutions (C) revolutions (D) reflections
- 40 (A) responsible for (B) subordinate to (C) devoid of (D) confined to
- 41 (A) appropriately (B) suddenly (C) confusingly (D) tragically
- 42 (A) experimental (B) discriminative (C) sympathetic (D) imaginative
- 43 A quarter century of living should put a great deal into a woman's face besides a few wrinkles and some unwelcome folds around the chin.  
(A) Women cannot help developing wrinkles and unwelcome folds around the chin in addition to gaining wealth as time goes by.  
(B) Women must have developed something more than wrinkles and unwelcome folds around the chin as they grow old.  
(C) Women are able to rid themselves of wrinkles and unwelcome folds around the chin if they are successful in life.  
(D) Women should make efforts to avoid wrinkles and unwelcome folds around the chin when they become aged.
- 44 It is to be confirmed that she took the gold medal in the 100-meter dash.  
(A) I heard that she took the gold medal while everyone watched the 100-meter dash.  
(B) I heard rumors that she cheated to win the gold medal in the 100-meter dash.  
(C) It is certain that she received the gold medal for the 100-meter dash, but no one watched it.  
(D) The news that she won first place in the 100-meter dash needs further verification.

- 45 Disease and starvation characterized conditions on the rat-infested boat.
- (A) The boat was plagued by rats that were characterized by disease and starvation.
  - (B) The boat was full of rats, and people there were sick and did not have enough food.
  - (C) The rats that infested the boat were all starving and carrying diseases.
  - (D) Diseased rats and starved passengers were characteristic of the boat.
- 46 Our sense of identity is held captive by the judgments of those we live among.
- (A) The people around us determine who we think we are.
  - (B) Our identity is captured by those who live around us.
  - (C) Our sense of identity holds as long as we live.
  - (D) The captivity of our identity can be sensed in our livelihood.

請依下文回答第 47 題至第 50 題

Since the late 19th century, Arctic Village has been the focal point of the Gwich'in, who comprise seven thousand people spread over fifteen villages, still speaking their own language and living in the traditional way by hunting and fishing. The village is reachable only by a ninety-minute flight from Fairbanks, in the center of Alaska. It experiences the extremes of summer when it never darkens and bitter winters when it is light for only three hours a day. It straddles two worlds: Arctic Village has satellite television and access to the Internet, but no running water or inside toilets. It has its own post office with the American flag flying beside it, but its traditions owe more to native Alaskan ways, which many in the village see threatened by the desire of the US to drill for oil in the Arctic Refuge immediately to the north of the village.

A more immediate threat, however, comes from the effects of climate change, which are more apparent here than anywhere else in the US. So great are the local fears that they called a tribal gathering last month for the first time in thirteen years. During it, they blessed the new solar panels on the roof of their "washeteria," where they do their laundry and take their showers. The panels provide energy in summer and are a reminder of the renewable forms of energy the world has barely explored. But it is the effects of the rise in winter temperatures that the older people in the village worry about. "It used always to be  $-51^{\circ}\text{C}$  in the winter but we don't get that anymore," said Kias Peter, seventy-two, one of the village elders. "We have lost thirteen lakes around here." And Calvin Tritt, fifty, a former Gwich'in chief added, "The caribou used to have about two inches of fat on them, now they're scrawny and they're going loco."

- 47 Which of the following is true about the Gwich'in people's life?
- (A) They only stick to their traditional native Alaskan ways.
  - (B) They have completely adopted the modern way of life.
  - (C) They no longer make their living by hunting and fishing.
  - (D) They lead a mixed life of traditional and modern ways.
- 48 Which of the following is NOT true about Arctic Village?
- (A) There are 7,000 Gwich'in people residing in one village.
  - (B) It is not easily accessible from other cities.
  - (C) People there still speak their traditional language.
  - (D) People there experience extremes of the weather.
- 49 Which of the following is the most immediate threat to the Gwich'in?
- (A) The extinction of the caribou
  - (B) The US desire to drill for oil there
  - (C) The effects of climate change
  - (D) The impact of the TV and the Internet
- 50 According to the passage, why did the tribal people call the meeting?
- (A) They had not had a meeting for quite a long time.
  - (B) They had great fears about the climate change.
  - (C) They wanted to give credit to the new solar panels.
  - (D) They wanted to discuss the issue of renewable energy saving.

測驗式試題標準答案

考試名稱： 100年公務人員升官等考試、100年關務人員升官等考試

類科名稱： 各類科

科目名稱： 法學知識與英文（包括中華民國憲法、法學緒論、英文）（試題代號：2301）

題 數： 50題

標準答案：

題號	01	02	03	04	05	06	07	08	09	10	11	12	13	14	15	16	17	18	19	20
答案	C	B	B	D	B	B	C	B	C	D	D	C	B	B	A	B	B	C	B	C

題號	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40
答案	A	B	A	B	B	D	A	C	A	B	D	B	A	B	C	D	B	B	A	C

題號	41	42	43	44	45	46	47	48	49	50										
答案	B	D	B	D	B	A	D	A	C	B										

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備 註：