

97 年公務人員特種考試第二次司法人員考試試題

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)

- (B) 1. 依憲法增修條文對原住民族應予特別保障者，不包括下列何種事項？
(A)教育文化 (B)充分就業 (C)經濟土地 (D)衛生醫療
- (A) 2. 憲法並未明定廣電自由，但可從下列何項基本權內涵中得出？
(A)言論自由 (B)遷徙自由 (C)結社自由 (D)工作權
- (C) 3. 依憲法增修條文規定，行政院對編入中央政府總預算案中之年度司法概算，可以做下列何種處理？
(A)退回司法院 (B)刪減 (C)加註意見 (D)送總統府審查
- (A) 4. 依憲法增修條文規定，總統發布緊急命令後，提交立法院追認，若立法院不同意時，則該緊急命令變成如何？
(A)立即失效 (B)交由大法官解釋
(C)視為法律案，開始進行三讀程序 (D)退回給總統
- (B) 5. 下列何者不是總統制的特徵？
(A)總統由民選產生，掌握行政權，擔任國家元首
(B)閣揆及主要部會首長都是民選的國會議員
(C)總統不須接受國會議員之質詢
(D)總統與國會分別對全體國民負責
- (D) 6. 依憲法增修條文規定，總統行使下列何種職權時，無須行政院院長參與或行政院會議決議？
(A)總統解散立法院 (B)總統頒布緊急命令
(C)總統向敵國宣戰 (D)總統發布行政院院長之任免命令
- (A) 7. 依據憲法規定，法官非受刑事或懲戒處分或禁治產之宣告，不得如何？
(A)免職 (B)改任行政職 (C)調職 (D)降職
- (D) 8. 依憲法增修條文之規定，下列關於司法院大法官之敘述，何者錯誤？
(A)設大法官十五人 (B)由大法官出任司法院院長及副院長
(C)大法官不得連任 (D)大法官均享有法官終身職待遇
- (A) 9. 下列何者非監察權行使的對象？
(A)立法委員 (B)司法院大法官
(C)行政院政務委員 (D)考試委員
- (C) 10. 我國考試院院長和下列那種公職人員的產生方式相同？
(A)行政院院長 (B)立法院院長 (C)司法院院長 (D)總統府秘書長
- (A) 11. 國稅與省稅、縣稅之劃分為：
(A)中央立法並執行 (B)中央立法並執行或交由省縣執行
(C)中央立法，省縣執行 (D)中央與省縣分別立法並執行
- (A) 12. 依司法院大法官釋字第492號解釋意旨，商標專用權主要受下述何種基本權保障？
(A)財產權 (B)工作權 (C)勞動基本權 (D)知的權利
- (B) 13. 依憲法增修條文規定，立法委員對行政院院長所提出的不信任案，若表決未獲通過時，下列敘述何者正確？
(A)立法委員於會期中得隨時再提出不信任案
(B)一年內不得對同一行政院院長再提不信任案
(C)二年內不得對同一行政院院長再提不信任案
(D)該屆立法委員於所餘任期內，不得對同一行政院院長再提不信任案
- (A) 14. 下列有關現役軍人之敘述何者正確？
(A)不得兼任文官 (B)不得有宗教信仰

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- (C)不得加入社團 (D)不得享有投票權
- (A) 15. 下列何者不是學理上所謂之參政權？
(A)言論自由 (B)選舉權 (C)罷免權 (D)複決權
- (D) 16. 依我國刑法規定，無責任能力人是指：
(A)未滿二十歲之人 (B)未滿十八歲之人
(C)未滿十六歲之人 (D)未滿十四歲之人
- (A) 17. 商事法與民法就同一事項均有規定時，應如何適用？
(A)商事法優先適用 (B)民法優先適用
(C)兩者同時適用 (D)兩者皆不適用
- (A) 18. 「行政行為，非有正當理由，不得為差別待遇」，稱之為什麼原則？
(A)平等原則 (B)比例原則
(C)不當聯結禁止原則 (D)公益原則
- (B) 19. 下列何種處分得採取代履行之行政執行方法？
(A)補稅處分 (B)拆除違建處分 (C)歇業處分 (D)罰鍰處分
- (D) 20. 下列那一種人不是刑法上的公務員？
(A)國稅局的稅務稽查員 (B)法官
(C)檢察事務官 (D)勞委會職訓局的學員
- (B) 21. 甲員工因為協助其他員工向雇主提出性騷擾的申訴，遭到該雇主調職，依照性別工作平等法之規定，下列何者為正確？
(A)雇主不得因受僱者協助他人申訴，而給予解僱的處分，但調職不在此限
(B)雇主不得因受僱者協助他人申訴，而給予調職的處分，主管機關應處以罰鍰
(C)雇主不得因受僱者協助他人申訴，而給予調職的處分，但此為訓示規定，並無罰則
(D)雇主不得因受僱者申訴而給予調職的處分，但甲員工為協助他人申訴，因此不受保護
- (D) 22. 下列那一種雇主的給付在性質上不屬於工資的範疇？
(A)每月固定領取的薪水 (B)因實際工作而獲得的工作獎金
(C)因延長工作時間而獲得的加班費 (D)雇主因勞工家有喜事或喪事而給予勞工的紅白包
- (A) 23. 依司法院大法官解釋，憲法上之法律保留原則不僅規範國家與人民之關係，亦涉及何者間之權限分配？
(A)行政、立法兩權 (B)司法、行政兩權
(C)立法、司法兩權 (D)監察、立法兩權
- (B) 24. 「國家機關不得為達目的而不擇手段」係就下列何一原則之描述？
(A)不當聯結禁止原則 (B)比例原則
(C)法律保留原則 (D)平等原則
- (B) 25. 經典作品「法意」(De l'Esprit des lois)的作者為誰？
(A)亞里斯多德 (B)孟德斯鳩 (C)盧梭 (D)洛克
- (D) 26. 民國87年實施的犯罪被害人保護法，主要在落實下列那一項社會法制？
(A)社會保險 (B)社會救助 (C)冤獄賠償 (D)社會補償
- (B) 27. 下列何者無須法律規定？
(A)現行犯之逮捕 (B)傑出青年之表揚
(C)司法機關之設立 (D)文武官員之任免
- (C) 28. 依據法律條文之立法意旨，以解釋法律條文之意義，此種解釋方法如何稱呼？
(A)歷史解釋 (B)合憲解釋 (C)目的解釋 (D)論理解釋
- (B) 29. 褫奪公權、沒收應歸屬下列何種概念？
(A)行政罰 (B)刑罰中的從刑 (C)刑罰中的主刑 (D)保安處分
- (D) 30. 下列關於歷史解釋方法的敘述，何者錯誤？
(A)得參考立法資料以探求法律條文之真意
(B)得參考法制史資料以探求法律條文之真意
(C)其立論基礎乃是由經濟與社會關係以及法律狀態，探求立法者所欲實現之政策目的

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(D)此一解釋方法乃是對於法條之文義進行解釋

- (C) 31. The court rejected the _____ of the defendant though his lawyer made a strong argument for him.
(A) partition (B) participation
(C) petition (D) pension
- (A) 32. Creativity is a much-needed _____ in this old and conservative company.
(A) asset (B) commission (C) compassion (D) liability
- (B) 33. What I am going to tell you is _____. Please keep it a secret and never let it out.
(A) nutritious (B) confidential
(C) sufficient (D) inspiring
- (A) 34. With a _____ camera, you can get instant results, save the files onto the computer, and e-mail pictures to your friends.
(A) digital (B) silent (C) crystal (D) patient
- (C) 35. The money we have saved in this account is to be used for one _____ purpose: the purchase of a new house.
(A) spiritual (B) sticky (C) specific (D) savage
- (A) 36. His complaint is just the tip of the _____. There is a lot more to come.
(A) iceberg (B) hurricane (C) tornado (D) typhoon
- (B) 37. The man who robbed the bank _____ by the police immediately.
(A) caught (B) was caught (C) would catch (D) had caught
- (B) 38. Helen really did not know _____ exactly Tom was getting at, but she believed him all the same.
(A) when (B) what (C) how (D) why
- (C) 39. Roommate A: What happened to our air-conditioner?
Roommate B: It's not working.
Roommate A: What should we do now?
Roommate B: Don't worry. I've called a technician and _____.
Roommate A: Thank God!
(A) he's going to the church (B) he's out of town
(C) he's on the way (D) he's in the way
- (A) 40. Tom: What's wrong with your motorbike, Jenny?
Jenny: Oh, it's out of order and I'm in a hurry. Would you mind fixing my motorbike?
Tom: _____ I'll fix it for you right now.
(A) Certainly not. (B) Yes, I will.
(C) I would. (D) I don't care.
- (A) 41. Clerk: Next, please!
Passenger: Two one-way tickets to New York leaving at 4:00 on Platform A, please.
Clerk: _____
Passenger: Oh, that's too bad.
(A) I'm sorry. Tickets to New York are sold out.
(B) They're 20 dollars in total. Keep the change.
(C) You should ask people on Platform A.
(D) You have to wait there until the train comes.

Nearly 50% of all workers in the United States have jobs they aren't happy with. Don't let this happen to you! If you want to find the right job, don't rush

to look through the classified ads in the newspaper. Instead, sit down and think about yourself. What kind of person are you? What makes you happy?

According to psychologist John Holland, there are six types of personalities. Nobody is just one personality type, but most people are mainly one type. For each type, there are certain jobs that might be right and others that are probably wrong.

Understanding your personality type can help you make the right job decision. Liz is a good example. Liz knew she wanted to do something for children. She thought she could help children as a school counselor or a lawyer. She took counseling and law courses— and hated them. After talking to a career counselor, she realized the problem was that she' s an Artistic type. Liz studied film, and she now produces children TV shows— and loves it.

Here are some descriptions of the six types of personalities:

- (1) The Realistic type is practical and enjoys working with machines and tools.
 - (2) The Investigative type is curious and likes to learn, analyze situations, and solve problems.
 - (3) The Artistic type is imaginative and likes to express himself or herself by creating art.
 - (4) The Social type is friendly and enjoys helping or training other people.
 - (5) The Enterprising type is outgoing and likes to persuade or lead other people.
 - (6) The Conventional type is careful and likes to follow routines and keep track of details.
- (B) 42. What does the author suggest one do in order to find a right job?
- (A) Go through the ads to find one.
 - (B) Consider what one is like and is happy with.
 - (C) Think about parents' advice.
 - (D) Ponder over all the jobs that are popular.
- (D) 43. According to the passage, which of the following statements is NOT true?
- (A) Most people are chiefly one personality type.
 - (B) Each type of personality may be right for certain jobs.
 - (C) Knowing one' s personality type is helpful in making job decisions.
 - (D) Most people are only one personality type.
- (C) 44. Which of the following statements is true about Liz?
- (A) She enjoyed being a counselor.
 - (B) She made the right choice at her first try.
 - (C) She loves to produce TV shows for children.
 - (D) She hates being an Artistic type.
- (A) 45. According to the passage, which of the following jobs is most suitable for a Conventional type of person?
- | | |
|---------------------|---------------------|
| (A) A civil servant | (B) An entrepreneur |
| (C) A scientist | (D) An entertainer |

When it comes to money, are you a hardworking miser who wants to make and save a lot of money in order to retire early? I have seen many people pursuing higher-paying and increasingly demanding careers to accomplish this goal. They make many personal sacrifices 46 income today. The problem is that tomorrow might not come. 47 all goes according to your plan, will you know how to be happy when you' re not working? More importantly, who will be around to share your 48 ? One of the 49 of engaging in an intense career is time spent away from friends and family. You may indeed realize your goal of retiring early, but you may be 50

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too much living today in expectation of living tomorrow. As Charles D' Orleans said in 1465, "It's very well to be thrifty, but don't amass a hoard of regrets."

- (D) 46. (A) at the cost of (B) aside from
(C) in charge of (D) in exchange for
- (B) 47. (A) Until (B) Even if (C) As long as (D) At least
- (A) 48. (A) leisure time (B) work load
(C) loans and debts (D) expenses and possessions
- (D) 49. (A) values (B) prizes (C) benefits (D) costs
- (B) 50. (A) going after (B) putting off
(C) figuring out (D) coming up with

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