

98年公務人員特種考試基層警察人員考試、98年公務人員特種考試稅務人員考試、  
98年特種考試退除役軍人轉任公務人員考試、98年公務人員特種考試海岸巡防人員考試、  
98年公務人員特種考試關務人員考試及98年國軍上校以上軍官轉任公務人員考試試題

等 別：四等退除役軍人轉任考試

類(科)別：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 依憲法第 143 條規定，土地價值非因施以勞力資本而增加者，應由國家徵收下列何種稅，歸人民共享之？  
(A)契稅 (B)土地交易稅 (C)土地增值稅 (D)土地交易所得稅
- 2 依憲法增修條文規定，下列何者非由行政院院長提請總統任命？  
(A)考選部部长 (B)省政府主席 (C)省諮議會議員 (D)行政院政務委員
- 3 憲法本文有關人身自由保障的規定，明白顯示罪刑法定主義原則。請問下列何者符合罪刑法定主義原則？  
(A)刑法主要以不成文法為法源 (B)刑法不得類推解釋  
(C)刑法可有不定期刑 (D)刑法適用原則上可溯及既往
- 4 地方議會調閱銀行客戶與銀行之往來資料係侵犯該客戶之何種權利？  
(A)姓名權 (B)隱私權 (C)工作權 (D)生存權
- 5 我國現行有關國家賠償的訴訟，由下列何機關受理？  
(A)普通法院民事庭 (B)普通法院刑事庭 (C)訴願委員會 (D)公務員懲戒委員會
- 6 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
- 7 依憲法本文及增修條文規定，總統並無下列何項職權？  
(A)赦免權 (B)全國陸海空軍統帥權 (C)複決憲法修正案 (D)任免官員權
- 8 依憲法增修條文之規定，下列有關總統、副總統任期之陳述，何者為正確？  
(A)任期為四年，連選得連任一次 (B)任期為六年，連選得連任一次  
(C)任期為四年，連選得連任兩次 (D)任期為四年，無連任次數之限制
- 9 請依司法院釋字第 520 號解釋，指出以下有關行政與立法關係之敘述，何者錯誤？  
(A)立法院通過之法定預算屬於對國家機關歲出、歲入及未來承諾之規範授權  
(B)行政院對歲出法定預算之停止執行，均屬違憲與違法  
(C)預算案經立法院審議通過及公布為法定預算，其形式上與法律案相當  
(D)預算制度乃行政部門實現其施政方針並經立法部門參與決策之憲法建制
- 10 依司法院釋字第 1 號之見解，立法委員如未辭職即就任官吏，則下列有關此立法委員之敘述，何者正確？  
(A)視同未就任官吏 (B)自就任官吏時起，視為辭去立法委員  
(C)保留立法委員身分，待其辭官後即可恢復 (D)可身兼二職
- 11 下列何者不屬於應隨政黨之更迭或政策變更而進退之人員？  
(A)監察院審計長 (B)行政院主計長 (C)外交部部長 (D)行政院政務委員
- 12 監察院對於中央及地方公務人員，認為有失職或違法情事，涉及刑事部分，應移送下列何者處理？  
(A)行政院 (B)公務人員保障暨培訓委員會  
(C)公務員懲戒委員會 (D)法院

- 13 依憲法規定，監察院於調查行政院及所屬各機關之工作及設施後，認有必要促其注意改善時，應為如何之處理？  
(A)提出糾舉案 (B)提出糾正案 (C)提出彈劾案 (D)提出懲戒案
- 14 依憲法增修條文規定，下列何種人員不是監察院彈劾權行使的對象？  
(A)地方公務員 (B)立法委員 (C)司法院大法官 (D)監察院人員
- 15 依憲法增修條文第 10 條第 9 項之規定，下列何者非屬國家對退役軍人應特別保障之事項？  
(A)就學 (B)就業 (C)參政 (D)就醫
- 16 下列何者非屬民事之制裁方式？  
(A)宣告解散 (B)權利剝奪 (C)沒收 (D)損害賠償
- 17 在台灣四百多年的法律歷史發展過程中，下列何者未曾影響過台灣？  
(A)清代中國的《大清律例》 (B)日本的六法全書  
(C)伊斯蘭法 (D)荷蘭東印度公司的法律文化
- 18 依司法院釋字第 445 號解釋，下列何者不屬於表現自由之範疇？  
(A)言論自由 (B)著作自由 (C)集會自由 (D)人身自由
- 19 依據中央法規標準法，下列何者並非法律的名稱？  
(A)法 (B)律 (C)條例 (D)規章
- 20 司法院大法官為維護憲政秩序，在闡明憲法真義上所作出的憲法解釋，具有何種效力？  
(A)效力僅及於司法機關，不包括立法與行政機關 (B)效力及於全國各機關，但不及於人民  
(C)具有拘束全國各機關及人民之效力 (D)不具任何效力，僅供全國各機關及人民參考用
- 21 公務員執行職務行使公權力，因過失不法侵害人民權利時應：  
(A)由公務員負損害賠償責任 (B)由公務員負損失補償責任  
(C)由國家負損害賠償責任 (D)由國家負損失補償責任
- 22 依司法院大法官解釋，無法律授權而以法規命令增加裁罰性法律所未規定之處罰對象，主要係違反下列何種原則？  
(A)法安定性原則 (B)法律保留原則 (C)信賴保護原則 (D)刑懲併行原則
- 23 下列關於「動產」與「不動產」的敘述，何者錯誤？  
(A)土地上長出的花草在與土地分離之前，屬於土地的部分  
(B)無論動產或是不動產，一個物只有一個所有權  
(C)主物是指不動產，從物是指動產  
(D)家裡養的狗屬於動產
- 24 拋棄繼承權者，對於遺產之管理所負之注意程度為何？  
(A)應負無過失責任之注意 (B)應盡善良管理人之注意  
(C)應與處理自己事務為同一之注意 (D)應與普通人處理事務為同一之注意
- 25 無權利人就他人權利標的物所訂立之買賣契約，其效力如何？  
(A)有效 (B)無效 (C)效力未定 (D)得撤銷
- 26 刑法第 2 條第 1 項前段規定：「行為後法律有變更者，適用行為時之法律。」此規定為何種原則之體現？  
(A)從新原則 (B)從舊原則 (C)從輕原則 (D)從重原則
- 27 刑法第 213 條規定：「公務員明知為不實之事項，而登載於職務上所掌之公文書，足以生損害於公眾或他人者，處一年以上七年以下有期徒刑。」此規定屬於下列何種犯罪類型？  
(A)親手犯 (B)加重結果犯 (C)純正身分犯 (D)結合犯

- 28 下列有關「一人公司」之敘述，何者錯誤？  
(A)有限公司得由一人股東設立 (B)股份有限公司得由法人股東一人設立  
(C)股份有限公司得由政府一人設立 (D)無限公司得由法人股東一人設立
- 29 關於工資之給付問題，下列敘述何者錯誤？  
(A)工資應由勞資雙方議定，且不得低於基本工資  
(B)工資應以法定通用貨幣給付之，但經勞資雙方同意者，亦得全部以實物給付之  
(C)工資應全額直接給付給勞工，但法令另有規定或勞雇雙方另有約定者，不在此限  
(D)工資之給付，除當事人另有約定或按月預付者外，應定期給付
- 30 下列何者並非性別工作平等法規定的促進工作平等措施？  
(A)生理假 (B)產假、陪產假  
(C)家庭照顧假 (D)配偶未就業之福利措施
- 31 It is a \_\_\_\_\_ issue whether genetically modified foods are good or bad for our health; there are pros and cons to their use.  
(A) deliberate (B) tedious (C) prohibited (D) controversial
- 32 Why you let such a foolish thing happen is beyond my \_\_\_\_\_. I still cannot understand what you were thinking at that time.  
(A) belief (B) comprehension (C) doubt (D) recognition
- 33 We plan to \_\_\_\_\_ US\$100,000 to help the families of the earthquake victims.  
(A) rise (B) shield (C) raise (D) represent
- 34 To make French toast for four people, you'll need the following \_\_\_\_\_.: two eggs, a cup of milk, and a tablespoon of butter.  
(A) articles (B) factors (C) recipes (D) ingredients
- 35 Tina always has a stomachache after a big meal because she has poor \_\_\_\_\_.  
(A) digestion (B) circulation (C) pulsation (D) pressure
- 36 Mummification, performed by Egyptians, is a process of \_\_\_\_\_ dead bodies, that is, protecting dead bodies from decay.  
(A) confining (B) identifying (C) measuring (D) preserving
- 37 \_\_\_\_\_ nice pictures is difficult in that you need to have a good knowledge of light and color.  
(A) Take (B) In order to take (C) When you take (D) Taking
- 38 The two women wrongfully detained by the Immigration Department \_\_\_\_\_ being locked up if they'd been more cooperative with the authorities.  
(A) could have avoided (B) could avoid (C) have avoided (D) had avoided
- 39 At the age of nineteen, Tom served as a captain on an Italian ship \_\_\_\_\_ sailed around the Mediterranean Sea.  
(A) where (B) in which (C) when (D) which
- 40 Tom: Hey, Jane. How're you doing?  
Jane: I'm okay, Tom, thanks. \_\_\_\_\_  
Tom: Not much. I'll be glad when final exams are over.  
(A) How are you? (B) How do you do? (C) What's new? (D) Why are you happy?
- 41 A: Mary, John and I are going to a concert this Friday. \_\_\_\_\_  
B: Sure, I love concerts. What time should we meet?  
A: At about 6:30.  
(A) Can you play the piano? (B) Would you like to join us?  
(C) What's the occasion? (D) What kind of party?

42 Dad: Did you talk to our son over the phone last night?

Mom: \_\_\_\_\_ But it was so difficult to get through.

Dad: Maybe he was on the line all night.

- (A) He's tried his best.            (B) He's been trying.            (C) I tried.            (D) I did.

依下文回答第 43 題至第 46 題

IQ tests are reliable in predicting a child's success in school, but many psychologists caution against relying too heavily on these scores as a measure of a child's capabilities. In fact, some critics dispute the validity of using IQ tests at all, citing many 43 that can affect a child's ability to perform well on them. First of all, critics point out that children develop 44 different rates, depending on their biology, family, school, and environment. They also state that performance on an IQ test reflects not just a child's aptitude for learning, but also his or her already 45 knowledge: vocabulary, math, as well as cultural knowledge that is learned, not inborn. Performance on IQ tests also reflects the ability to focus and pay attention, so children who have attention problems may be at a 46. Moreover, a child's performance can be affected by illness or emotional stress. Educators and psychologists encourage parents not to see an IQ score as a sure indicator of their child's future success.

- 43 (A) faucets                            (B) factors                            (C) filters                            (D) figures  
44 (A) at                                    (B) in                                    (C) on                                    (D) to  
45 (A) acquired                            (B) acquiring                            (C) required                            (D) requiring  
46 (A) disability                            (B) disadvantage                            (C) disagreement                            (D) discomfort

依下文回答第 47 題至第 50 題

“Birth order” refers to whether we were the first child born in a family or one of many, or even the last. Many researchers think that where we are in relationship to our siblings helps influence how we develop.

Firstborns: Pressure on the oldest child comes in the form of discipline and punishment. Besides, the firstborn gets the most work—they are frequently the first to be called for extra housework or errands. A common characteristic of a firstborn is confidence in being taken seriously by those around him. It's no wonder that firstborns often go on to positions of leadership.

Middle-borns: “I just didn't get much respect in my family” is a key distinguishing phrase for middle-borns. Friends thus become very special to them—it's how they obtain the cherished rewards and recognition. The middle-born is independent and is loyal to his peer group. And they learn to negotiate and compromise and frequently work to avoid conflict.

Last-borns: Youngest children are typically the outgoing charmers. They are also affectionate, uncomplicated, and sometimes a little absent-minded. There is also another mainstream of qualities in most last-borns: rebellious, critical, spoiled, and impetuous—the “dark side” of the last-born.

Only child: Like firstborns, single children are often treated like little adults—sometimes to the point of feeling they never had a childhood. Only children may become very critical, cold-blooded, and never tolerant of mistakes or failures. Or they may become everybody's rescuers, the ones who agonize over the problems of others and always want to move in, take over, and solve everything.

- 47 Which word is closest in meaning to “impetuous” in the fourth paragraph?  
(A) Imaginative                            (B) Impulsive                            (C) Indifferent                            (D) Industrious
- 48 Among the four birth orders introduced in the passage, which two are more similar to each other?  
(A) Firstborns and middle-borns.                            (B) Middle-borns and last-borns.  
(C) Last-borns and only children.                            (D) Only children and firstborns.
- 49 According to the passage, who will most likely become angry if failing to get a perfect 100 points on a math test?  
(A) The firstborn.                            (B) The middle-born.                            (C) The last-born.                            (D) The only child.
- 50 Which of the following statements is NOT true?  
(A) Last-borns are most likely to be sent by mothers to do dishes and buy groceries.  
(B) Experts believe that birth order has something to do with one's personality.  
(C) Although only children can be cold-blooded, they can be active helpers, too.  
(D) Instead of getting attention from their family, second-borns obtain recognition from their peers.

## 測驗題標準答案

考試名稱： 98年 公務人員特種考試基層警察人員、稅務人員、退除役軍人轉任公務人員、海岸巡防人員、關務人員、國軍上校以上軍官轉任公務人員考試

類科名稱： 退除役：一般行政

科目名稱： 法學知識與英文（試題代號：2541）

題 數： 50題

標準答案：

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

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

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

備 註： 無更正紀錄。