

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)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 下列有關村（里）長之敘述，何者錯誤？
(A)由村（里）民依法選舉
(B)受鄉（鎮、市、區）長之指揮監督
(C)任期 4 年
(D)連選得連任 1 次
- 2 下列何者不屬於憲法明文規定人民之義務？
(A)依法律納稅
(B)依法律服兵役
(C)參加社會服務工作
(D)受國民教育的義務
- 3 近年來生物科技蓬勃發展，有關「複製人應受禁止」的激烈爭議，學理上主要是可能對下列何者造成侵犯？
(A)平等權
(B)人身自由
(C)生存權
(D)人性尊嚴
- 4 公民投票法之制定，係屬憲法中何種基本權利保障之具體化展現？
(A)參政權
(B)平等權
(C)言論自由
(D)人格權
- 5 依憲法增修條文之規定，下列那一種經費應優先編列？
(A)外交國防
(B)司法改革
(C)國民教育
(D)振興農業
- 6 有關監察委員之任命程序及任期之敘述，下列何者正確？
(A)由總統提名，經立法院同意任命之
(B)任期 8 年，不得連任
(C)任期 4 年，連選得連任
(D)總統大選後，監察委員應總辭
- 7 依據國家賠償法第 12 條之規定，損害賠償之訴，除依本法規定外，適用下列何者？
(A)行政訴訟法
(B)民事訴訟法
(C)公務員懲戒法
(D)司法院大法官審理案件法
- 8 依憲法第 24 條之規定，公務員違法侵害人民之自由或權利，人民得依何種法源向國家請求賠償？
(A)憲法
(B)法律
(C)行政命令
(D)地方自治法規
- 9 關於總統、副總統選舉之候選人資格，下列敘述何者錯誤？
(A)須在中華民國自由地區繼續居住 6 個月以上
(B)須在中華民國自由地區曾設籍 15 年以上
(C)須出生於中華民國自由地區
(D)須年滿 40 歲
- 10 根據公職人員選舉罷免法規定，下列人員何者不得登記為候選人？
(A)一般學校學生
(B)軍事學校學生
(C)在職進修學生
(D)大學推廣教育學生
- 11 有關罷免總統、副總統之敘述，下列何者錯誤？
(A)須經全體立法委員四分之一之提議
(B)出席立法委員三分之二之同意後提出
(C)經中華民國自由地區選舉人總額過半數之投票
(D)有效票過半數同意時通過罷免
- 12 下列關於宗教自由之敘述何者錯誤？
(A)國家不得禁止人民信仰特定宗教
(B)國家不得任意干預教會活動
(C)國家對興辦宗教教育的宗教團體應給予個別獎勵
(D)國家得以法律規範宗教團體財產之管理及處分
- 13 依憲法增修條文之規定，關於立法院對行政院院長之不信任案，下列敘述何者正確？
(A)須有全體立法委員四分之一以上之連署
(B)如有全體立法委員三分之一以上贊成，行政院院長應即辭職
(C)不信任案如未通過，不得對同一行政院院長再提出不信任案
(D)須以記名投票方式表決
- 14 依憲法增修條文規定，下列何者不屬行政院可移請立法院覆議之事項？
(A)法律案
(B)預算案
(C)宣戰案
(D)條約案
- 15 我國考試院行使職權時，係採行何種制度？
(A)獨任制
(B)首長制
(C)合議制
(D)首長合議併行制

- 16 下列那一個行政行為有行政程序法之適用？
- (A)煙毒犯之勒戒程序事項 (B)對公務人員所為之人事行政行為
(C)行政機關處理人民陳情之行爲 (D)學校老師評定學生學期成績之行爲
- 17 關於我國最高法院所作成之判例，下列敘述何者正確？
- (A)不具有法律上或事實上拘束力 (B)具有法律上與事實上之拘束力
(C)變更判例無須踐行一定之程序 (D)係由司法院決定之
- 18 法律名稱的變更，有時也表徵了該法律所欲保障之核心價值的變更。請問，以下那種法律名稱的變更屬於此種情況？
- (A)「動員戡亂時期檢肅流氓條例」於民國 81 年改爲「檢肅流氓條例」
(B)「中央法規制定標準法」於民國 59 年改爲「中央法規標準法」
(C)「殘障福利法」於民國 86 年改爲「身心障礙者保護法」，又於民國 96 年改爲「身心障礙者權益保障法」
(D)「人工協助生殖技術管理辦法」於民國 96 年改爲「人工生殖法」
- 19 有關我國環境保護立法之發展趨勢，下列敘述何者正確？
- (A)僅受害人得就環境污染提起行政訴訟
(B)開發行爲對環境有不良影響之虞者，應實施環境影響評估
(C)獵捕野生動物不影響生態環境，故無須管制
(D)非污染行爲人之土地所有人不必爲土地污染負整治責任
- 20 下列有關地方自治法規生效之敘述，何者正確？
- (A)自治條例經地方立法機關議決後，函送各該地方行政機關，地方行政機關收到後，除有特殊規定外，應於 30 日內公布
(B)自治法規、委辦規則須經上級政府或委辦機關核定者，核定機關應於 3 個月內爲核定與否之決定
(C)自治法規、委辦規則須經上級政府或委辦機關核定者，核定機關未於 3 個月內爲核定者，視爲已核定
(D)自治法規、委辦規則自公布或發布之當日起發生效力
- 21 下列有關法規失效的敘述，何者正確？
- (A)法規定有施行期限者，期滿當然廢止，但應由主管機關公告之
(B)法規定有施行期限者，期滿後，必須由主管機關另行公告其失效，該法規始失其效力
(C)法規定有施行期限者，期滿前，必須由主管機關另行公告其失效日，該法規始失其效力
(D)法規定有施行期限者，自期滿日起算至第 3 日，當然失效
- 22 下列關於侵權行爲之敘述，何者正確？
- (A)動物加損害於他人時，由其所有人而非占有人負賠償責任
(B)土地上之建築物所致他人權利之損害，由建築物之使用人，而非所有人負賠償責任
(C)受僱人因執行職務，不法侵害他人權利時，其僱用人因在選任或監督上有過失，故於賠償損害後，對於該受僱人無求償權
(D)承攬人因執行承攬事項，不法侵害他人權利時，原則上定作人不負損害賠償責任
- 23 有關推定的敘述，下列何者正確？
- (A)依據經驗法則，可以推知某一事實的存在或不存在
(B)法律必須有明文規定，法官才可以推定
(C)刑事被告如果保持緘默，可以推定其犯行
(D)證人如果保持緘默，可以推定所擬調查之事實，應屬存在
- 24 下列有關「反對解釋」之敘述，何者正確？
- (A)刑法第 185 條之 3 規定：「服用毒品、麻醉藥品、酒類或其他相類之物，不能安全駕駛動力交通工具而駕駛者，處一年以下有期徒刑……」故可反對解釋爲：非酒醉駕車，即不可以不能安全駕駛罪處罰
(B)民法第 184 條規定：「因故意或過失，不法侵害他人之權利者，負損害賠償責任。」故可反對解釋爲：非因故意或過失，不法侵害他人之權利者，即不負損害賠償責任
(C)刑法第 271 條規定：「殺人者，處死刑、無期徒刑或十年以上有期徒刑。」故可反對解釋爲：非殺人者，即不可處死刑、無期徒刑或十年以上有期徒刑
(D)民法第 222 條規定：「故意或重大過失之責任，不得預先免除。」故可反對解釋爲：非故意或重大過失之責任，得預先免除

- 25 依司法院大法官解釋，下列何種情形尚符合比例原則之要求？
(A)臺灣地區與大陸地區人民關係條例規定，原設籍大陸地區人民須在臺灣地區設籍滿 10 年，始得擔任公務人員
(B)為防止冒領、冒用、辨識路倒病人、迷途失智者、無名屍體等目的，戶籍法強制人民於換發身分證時按捺指紋
(C)行政執行法以「於調查執行標的物時，對於執行人員拒絕陳述者」作為拘提管收之要件
(D)國家安全法規定全國人民入出境均應經主管機關之許可，不論設籍與否，一律非經許可不得入境
- 26 民法規定關於權利之行使之限制，不得以損害他人為主要目的，以下何種狀況適用該限制之規定？
(A)以暴力向債務人討債
(B)以棍棒毆打隔壁家的小狗
(C)故意在後院搭建高牆以阻斷隔壁咖啡屋的景觀
(D)開車衝撞仇人
- 27 定型化契約中之定型化契約條款，牴觸個別磋商條款之約定者，依消費者保護法規定，其牴觸部分效力為何？
(A)有效
(B)無效
(C)對消費者有利部分有效
(D)由主管機關決定
- 28 中央法規標準法第 5 條規定，關於人民之權利、義務事項，應以法律定之，學理上稱為：
(A)法律位階理論
(B)法律保留原則
(C)法律優位原則
(D)正當法律程序
- 29 現行全民健康保險關於被保險人的保費計算之基準，下列敘述何者正確？
(A)家戶所得
(B)個人綜合所得
(C)消費物價指數
(D)投保金額
- 30 以下有關性別工作平等法中家庭照顧假規定的敘述，何者正確？
(A)適用於僱用 10 人以上之雇主的受僱者
(B)家庭照顧假之請假日數併入事假計算
(C)全年請家庭照顧假日數總計不得超過 5 天
(D)家庭照顧假之薪資依據病假規定辦理
- 31 With marvelous collections of toys, this museum is _____ children.
(A) geared toward
(B) grounded on
(C) subject to
(D) prescribed by
- 32 When the leadership starts talking about harmony, it's a pretty good _____ that things are not harmonious at all.
(A) turmoil
(B) upstart
(C) indication
(D) gossip
- 33 A huge crowd of fans have been waiting in line for hours to get their much loved singer's _____.
(A) autograph
(B) biography
(C) phonograph
(D) epigraph
- 34 Sometimes adults have more _____ notions than kids do, so it is more difficult for adults to accept new conditions.
(A) prepared
(B) previewed
(C) preceded
(D) preconceived
- 35 Research suggests that there are warning signs that can prevent a future stroke. _____, many people ignore the symptoms.
(A) Enthusiastically
(B) Optimistically
(C) Abundantly
(D) Unfortunately
- 36 Psychologists have always stressed that learning is best _____ by capturing the learner's interest in the subject matter.
(A) fostered
(B) frustrated
(C) distracted
(D) annexed
- 37 Ted, you are the best candidate for this position. You have the _____ to get the work done, and you have three years of experience with the company of the same kind.
(A) composition
(B) comprehension
(C) know-how
(D) know-it-all
- 38 When the eyes act in concert with other parts of the face, communication becomes increasingly _____. That's why the eye movement is an essential part of communication.
(A) implicit
(B) intrinsic
(C) external
(D) explicit
- 39 One of the great non-monetary benefits of a full-time job is the _____ of friendships you develop. It is a benefit that most of us take for granted.
(A) accessory
(B) controversy
(C) momentum
(D) wellspring
- 40 The new secretary would do anything to please her boss. It was not difficult for her co-workers to see that from her _____ manners.
(A) appalling
(B) beckoning
(C) gratifying
(D) ingratiating
- 41 The passion for brand names is an obvious hangover _____ the past.
(A) off
(B) in
(C) from
(D) to
- 42 Already in wide circulation, _____ to Internet payment, particularly if card readers were built into computers.
(A) we could provide smart cards and easy solution
(B) easy solution could be provided by smart cards
(C) smart cards could provide a direct and easy solution
(D) they could provide a direct and easy solution

- 43 People say that power promotes corruption and that corruption is just an unavoidable part of human nature.
(A) It is unnatural to believe that power usually comes with corruption.
(B) Corruption is inevitable for people in power because it is part of human nature.
(C) According to the law of human nature, it is easier to gain power than to avoid corruption.
(D) It is human nature to make power more available to the public when corruption is avoided.
- 44 The advantage of locating an idea in its historical birthplace is that we can see how it fared.
(A) The value of tracing the origin of an idea is to see how it has developed over time.
(B) The value of how history started makes us see the world more objectively.
(C) To see how history was located from the beginning is to treat it fairly.
(D) Locating an idea in its historical place brings justice to our society.
- 45 I have never yet met a successful person who has not had to overcome either a little or a lot of adversity in his, or her, life.
(A) Favorable conditions one has had in life pave the way for one's ultimate success.
(B) As far as I know, no winners have to clear up any harsh condition in life.
(C) No one I know has attained success without conquering trouble to some extent in life.
(D) Few people I know have done well without accumulating successful experiences in life.
- 46 The conversion of the stories of ancient myth into a prime subject of the arts began with the baroque, representing a further break with the popular basis of art.
(A) Instead of using popular subjects, the baroque style was the first art form which derived its themes from ancient myth stories.
(B) It is a prime concern of the baroque to absorb its ingredients from the ancient myth stories, and therefore, it becomes unpopular among the common people.
(C) The popular art is dominated by the baroque style, which insists on the conversion of important ingredients from the ancient myth stories.
(D) The change of the ancient myth stories is a necessary step for the vogue of the baroque and also a gesture for breaking the vulgarity of the popular art.

第 47 題至第 50 題為題組

Did you ever wonder how your Hershey's bar is made? The chocolate in your bar comes from cocoa trees. 47 These cocoa beans are the raw material from which the candy bars are made. First, the pods enclosing the beans are cut off from the tree by workers. A cocoa pod has a rough leathery rind about 1.5-inch thick. It is filled with sweet, mucilaginous pulp called "baba de cacao" in South America, normally containing 30 to 50 large soft seeds (the beans) that are pinkish in color and bitter in taste. The workers then split the pods open and remove the beans. The harvested beans are then separated and stored in boxes for about a week. 48 After drying is finished, the beans are exported to countries all over the world.

Now the beans are processed into the chocolate we recognize. First, the beans are roasted so that the shells can be separated from the beans. The beans are then grounded into a paste. 49 What remains is what we know as cocoa powder. 50 And then? The soft and sweet chocolate bars are ready to go into your mouth.

- 47 (A) The familiar and sweet-sounding name "chocolate" comes from an Aztec word that means "bitter drink."
(B) When the beans turn brown and emit a light chocolate aroma, they are dried under the sun or mechanically.
(C) Seedlings need to be sheltered from the blazing sun, so farmers grow banana trees to provide shades for them.
(D) These palm-shaped trees grow primarily in tropical countries and produce almond-like cocoa beans.
- 48 (A) Rich in smell and taste, this paste contains a lot of fat called cocoa butter which is then extracted.
(B) When the beans turn brown and emit a light chocolate aroma, they are dried under the sun or mechanically.
(C) Seedlings need to be sheltered from the blazing sun, so farmers grow banana trees to provide shades for them.
(D) Finally, the cocoa powder and cocoa butter are combined and mixed well with sugar and dried milk.
- 49 (A) Rich in smell and taste, this paste contains a lot of fat called cocoa butter which is then extracted.
(B) Finally, the cocoa powder and cocoa butter are combined and mixed well with sugar and dried milk.
(C) When the beans turn brown and emit a light chocolate aroma, they are dried under the sun or mechanically.
(D) The familiar and sweet-sounding name "chocolate" comes from an Aztec word that means "bitter drink."
- 50 (A) Seedlings need to be sheltered from the blazing sun, so farmers grow banana trees to provide shades for them.
(B) Rich in smell and taste, this paste contains a lot of fat called cocoa butter which is then extracted.
(C) Finally, the cocoa powder and cocoa butter are combined and mixed well with sugar and dried milk.
(D) When the beans turn yellowish brown and emit a light chocolate aroma, they are dried under the sun or mechanically.

測驗題標準答案

考試名稱： 98年 公務人員特種考試水利人員及水土保持人員考試

類科名稱： 水利工程

科目名稱： 法學知識與英文（試題代號：2601）

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	D	C	D	A	C	A	B	B	C	B	B	C	D	C	C	C	B	C	B	A

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

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

備 註：