

100年公務人員特種考試一般警察人員考試、  
100年公務人員特種考試警察人員考試及  
100年特種考試交通事業鐵路人員考試試題

等 別：員級鐵路人員考試

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 監察院為行使監察權，得向行政院各部會調閱其所發布之命令及各種有關文件，這是屬於下列那一種權力？  
(A)糾舉權 (B)調查權 (C)審計權 (D)彈劾權
- 2 下列何者並非憲法增修條文所保障之地方自治團體？  
(A)臺灣省 (B)臺東縣 (C)臺北市 (D)臺南市
- 3 依據憲法規定，監察院得按下列何機關之工作，分設若干委員會，調查一切設施，注意其是否違法或失職？  
(A)司法院及其各所屬機關 (B)立法院及其各委員會  
(C)行政院及其各部會 (D)考試院及其各所屬機關
- 4 依司法院釋字第 419 號解釋，下列有關「副總統兼任行政院院長」之敘述，何者正確？  
(A)憲法既有明文規定，應依憲法辦理  
(B)副總統與行政院院長二者職務顯不相容  
(C)兼任與憲法設置二職分由不同之人擔任之本旨未盡相符  
(D)此為重大政治問題，不應由釋憲機關加以解釋
- 5 依憲法第 56 條之規定，行政院政務委員如何任命？  
(A)由總統自行決定後直接任命 (B)由行政院院長提請總統任命  
(C)由行政院院長直接任命 (D)由行政院會議決議任命
- 6 下列何者為憲法上我國最高行政機關？  
(A)總統府 (B)國家安全局 (C)行政院 (D)國家安全會議
- 7 依憲法本文及增修條文之規定，有關行政院院長的敘述，下列何者錯誤？  
(A)總統、副總統均缺位時，由行政院院長繼任至原任期屆滿為止  
(B)行政院院長由總統直接任命，無須經立法院同意  
(C)行政院各部會首長，由行政院院長提請總統任命  
(D)行政院院長代行總統職權，其期限不得逾 3 個月
- 8 下列何者非屬司法院大法官解釋有關婚姻與家庭之敘述？  
(A)夫妻剩餘財產差額分配請求權，適用法律不溯既往原則  
(B)婚姻制度植基於人格自由  
(C)婚姻與家庭受憲法制度性保障  
(D)婚姻自由應受一夫一妻婚姻制度之限制
- 9 關於憲法第 14 條所保障之集會遊行，以下敘述何者錯誤？  
(A)集會遊行應以和平方法為之 (B)集會遊行不得持有武器  
(C)集會遊行禁止蒙面 (D)集會遊行一律都要經過許可
- 10 以廣播及電視方式表達意見，主要係屬下列何種自由之保障範圍？  
(A)言論自由 (B)出版自由 (C)著作自由 (D)講學自由

- 11 有關大學自治之敘述，下列何者錯誤？  
(A)受憲法制度性保障 (B)屬講學自由之保障範圍  
(C)其保障範圍包括教學內容及課程之訂定 (D)其保障範圍不包括學位資格考試相關事項
- 12 依憲法第 143 條第 1 項之規定，私有土地應照價納稅，政府並得作何種處理？  
(A)競標出售 (B)議價拍賣 (C)減價徵收 (D)照價收買
- 13 憲法第 160 條第 2 項規定，已逾學齡未受基本教育之國民，一律受何種教育？  
(A)補習教育 (B)夜間教育 (C)職業教育 (D)輔導教育
- 14 憲法中關於國防之規定，下列敘述何者錯誤？  
(A)全國陸海空軍，須超出個人、地域及黨派以外 (B)國家應專設軍事審判制度，以維軍紀  
(C)現役軍人不得兼任文官 (D)國防之組織，以法律定之
- 15 下列何者之政治參與受憲法增修條文內基本國策之保障？  
(A)軍人 (B)身心障礙者  
(C)原住民族 (D)中華民國境內之外國人
- 16 地方制度法第 26 條規定有關自治條例之名稱，下列何者錯誤？  
(A)在直轄市稱為直轄市法規 (B)在縣（市）稱為縣（市）規章  
(C)在鄉（鎮、市）稱為鄉（鎮、市）規則 (D)應分別冠以各該地方自治團體之名稱
- 17 我國目前所實施之全民健康保險制度，是基於憲法何種基本國策而設的制度？  
(A)社會安全 (B)國民經濟 (C)教育文化 (D)國防外交
- 18 下列那一項制度設計，比較屬於總統制的重要特徵？  
(A)倒閣制度 (B)國會議員兼任閣員 (C)覆議制度 (D)副署制度
- 19 下列何者不受任期之保障？  
(A)副總統 (B)立法委員 (C)銓敘部部長 (D)考試委員
- 20 下列何項法律規定與保護弱勢承租人無關？  
(A)民法買賣不破租賃之規定 (B)不動產出租人之留置權  
(C)出租人之修繕義務之規定 (D)租賃之默示更新
- 21 關於買賣契約，下列敘述何者為錯誤？  
(A)為雙務契約 (B)為有償契約 (C)為債權契約 (D)為要物契約
- 22 有關利息之債之敘述，下列何者正確？  
(A)約定利率，超過週年百分之二十者，債權人對於超過部分之利息，無請求權  
(B)約定利率，超過週年百分之十者，債務人得隨時清償原本  
(C)如當事人有書面約定，則在利息遲付逾一年後，債權人得不待催告而將遲付之利息滾入原本  
(D)因回復原狀而應給付金錢者，應自損害發生時起，按年息百分之六，加給利息
- 23 民法第 739 條之 1 規定「本節所規定保證人之權利，除法律另有規定外，不得預先拋棄」，而法律規定保證人得拋棄之權利為：  
(A)主債務人所有的抗辯 (B)主債務人之撤銷權  
(C)主債務人之抵銷權 (D)保證人之先訴抗辯權
- 24 下列何者不是動產物權之讓與方法？  
(A)簡易交付 (B)登記 (C)占有改定 (D)指示交付
- 25 甲夫乙妻依法收養 A 為養子，於下列何種情形，得請求法院宣告終止收養關係？  
(A)甲虐待 A (B)甲不慎傷害 A (C)甲與乙離婚 (D)甲或乙死亡
- 26 下列何者屬於主觀不法構成要件？  
(A)行為人的性格 (B)行為人的利益 (C)行為人的年齡 (D)行為人的意圖

- 27 下列有關「刑法性質」之敘述，何者錯誤？  
(A)刑法乃施行於一國主權下的法律，屬於國內法  
(B)刑法為規範刑罰權主體（國家）和犯罪行為主體（行為人）間的關係，故為公法  
(C)刑法為成文法  
(D)刑法不是強行法
- 28 消費者因消費行為而受到損害，下列何者並非消費者得向企業經營者所得請求之賠償？  
(A)財產上的損害賠償  
(B) 3 倍損害額的懲罰性損害賠償  
(C) 5 倍損害額的懲罰性損害賠償  
(D)非財產上的損害賠償
- 29 法院於受理緊急保護令之聲請後，若認被害人有受家庭暴力之急迫危險者，應於幾小時內以書面核發緊急保護令？  
(A) 4 小時  
(B) 5 小時  
(C) 6 小時  
(D) 8 小時
- 30 下列有關派遣勞動契約之敘述，何者錯誤？  
(A)派遣機構為派遣勞工之法律上雇主  
(B)派遣勞工之工資必須與要派人之勞工完全相同  
(C)性質上通稱為三方兩地契約關係  
(D)登錄型之派遣勞動契約經常容易與職業介紹混淆
- 31 Geniuses don't follow what they are taught. They often come up with \_\_\_\_\_ ideas.  
(A) unconventional  
(B) uncomfortable  
(C) unconscious  
(D) unconditional
- 32 When traveling in the mountains, we had better carry a \_\_\_\_\_ with us; otherwise, it is very likely that we will get lost.  
(A) bandage  
(B) tent  
(C) compass  
(D) cord
- 33 The city government met with strong \_\_\_\_\_ from residents about its proposal to build a nuclear plant in this area. In the end, the government had to drop the plan.  
(A) recreation  
(B) reliance  
(C) resignation  
(D) resistance
- 34 The \_\_\_\_\_ sale will start tomorrow because this department store is going out of business.  
(A) delegation  
(B) inflation  
(C) clearance  
(D) budget
- 35 Rock climbing can be an exciting but \_\_\_\_\_ sport, so it's important to be careful.  
(A) dangerous  
(B) energetic  
(C) inferior  
(D) mysterious
- 36 It required a big effort to make the house \_\_\_\_\_. The heating system had to be replaced, several windows repaired, and one bathroom rebuilt.  
(A) habitable  
(B) hospitable  
(C) inevitable  
(D) imaginative
- 37 During wartime, people often suffer terrible \_\_\_\_\_, such as not enough food or fuel to keep them warm.  
(A) hardship  
(B) leadership  
(C) partnership  
(D) relationship
- 38 Ken: I'm going to study in the library for several hours tonight.  
Wendy: \_\_\_\_\_  
Ken: Around 9:00 p.m. If anyone calls, take a message for me. Would you?  
(A) Which library will you go?  
(B) Where are you going?  
(C) What are you going to study?  
(D) When will you return home?
- 39 Peter: Would you like to stay in the Capsule Inn in Japan?  
Jerry: \_\_\_\_\_ I think it would be very uncomfortable.  
Peter: But it sounds like a fantastic experience.  
(A) For fun!  
(B) By all means!  
(C) No way!  
(D) In no time!
- 40 Amy: I'm frustrated. I failed my math test.  
Anne: \_\_\_\_\_ This is not the end of the world.  
Amy: Thank you.  
(A) You can count on it.  
(B) You deserve it.  
(C) Get out!  
(D) Cheer up!

Nanotechnology is moving closer to our daily life. Researchers from the University of New South Wales, Australia, are developing a coating that may make cleaning bathrooms 41 of a chore. The leading researchers, Professors Rose Amal and Michael Brungs, are hoping to apply a tiny coating of titanium dioxide to keep the toilets clean. Currently titanium dioxide is being used on outdoor items 42 self-cleaning windows.

To further keep the bathroom clean, nanoparticles kill the germs and remove organic compounds. 43, the coating prevents liquid droplets from forming on the surface. It makes the liquid run off, 44 the toilet in the process.

Exciting as this research project is, at this time it is currently only in development. The researchers 45 it will take about a year before it can be seen on the market. It would certainly be great to have a clean bathroom that would clean itself.

- 41 (A) hardly (B) never (C) anymore (D) less  
42 (A) by (B) as (C) like (D) and  
43 (A) Instead (B) Besides (C) However (D) Therefore  
44 (A) wash (B) washed (C) washing (D) washes  
45 (A) estimate (B) demand (C) criticize (D) summarize

The tower of Pisa is the bell tower of the cathedral of Pisa in Tuscany, Italy. It leans because when the building was half completed, the soil under one half of the circular structure began to subside and the tower tipped.

Work on the tower was begun in 1173, but was discontinued for a century after the subsidence. However, in 1275, architects devised a plan to compensate for the tilt. Two stories, the third and the fifth, were built out of line with the others and closer to the vertical in an effort to alter the tower's center of gravity.

But the leaning has continued to increase gradually throughout the centuries. Pumping to keep water away from the surrounding ground and the injection of cement grout into the foundations and the surrounding subsoil have been tried in recent years, but without success.

The tower, which is one of the most unusual in existence, is Romanesque in style and made of white marble. It is cylindrical in shape and has eight stories.

The tilt is about 17 feet, or more than five degrees, from the perpendicular. The tower continues to increase its tilt by about a quarter of an inch each year.

- 46 What is the main idea of this passage?  
(A) Of all the tourist attractions in Italy, the tower of Pisa is undoubtedly the most popular.  
(B) The collaboration of the Italian government and people has made the tower of Pisa become famous.  
(C) The best way to study Italian culture is to visit the tower of Pisa.  
(D) Despite the effort over the past years, the tower of Pisa still keeps tipping.
- 47 According to the passage, which of the following is true about the tower of Pisa?  
(A) It is made of cement. (B) It looks like a cylinder in appearance.  
(C) It is a Gothic cathedral. (D) It is a five-story building.
- 48 In four years' time, how many inches will the tower of Pisa increase its tilt?  
(A) one (B) two (C) three (D) four
- 49 Which of the following words is closest in meaning to "subside" in paragraph 1?  
(A) collapse (B) float (C) ascend (D) sink
- 50 Which of the following statements is NOT true about the tower of Pisa?  
(A) Its construction began in the twelfth century.  
(B) It was not until 1275 that a plan was put forward to solve the problem of its tilt.  
(C) Substituting water for cement was adopted to prevent the tower from leaning further.  
(D) The third and fifth floors were built out of line with the others.