

101年公務人員特種考試警察人員考試、
101年公務人員特種考試一般警察人員考試及
101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 依憲法增修條文第 10 條之規定，有關原住民族保障、發展之敘述，下列何者錯誤？
(A)國家應保障原住民族之地位及政治參與
(B)國家應保障原住民族教育文化
(C)國家應對原住民族衛生醫療、經濟土地及社會福利事業予以保障扶助並促其發展
(D)國家為保障原住民族語言文化，依法設立之原住民族政府須以所轄原住民族語言為唯一官方語言
- 2 憲法明文規定應徵收之稅目為何？
(A)所得稅 (B)貨物稅 (C)營業稅 (D)土地增值稅
- 3 依憲法增修條文第 10 條之規定，公營金融機構之管理、人事、預算、決算及審計，得作何種之規定？
(A)以法律為特別之規定 (B)以自治條例為特別之規定
(C)以命令為特別之規定 (D)以命令為一般之規定
- 4 依司法院釋字第 365 號解釋，當父母對於未成年子女權利行使意思不一致時，法律若規定由父行使之，則違反何項憲法原則？
(A)比例原則 (B)未成年子女保護原則
(C)平等原則 (D)不當連結禁止原則
- 5 衛生主管機關對於藥商刊播廣告前，應事先加以檢查。依司法院釋字第 414 號解釋，此種規定直接限制了人民何種基本權利？
(A)言論自由 (B)秘密通訊自由 (C)人身自由 (D)結社自由
- 6 關於人身自由權之保障，非由何種機關依法定程序，不得審問處罰？
(A)立法機關 (B)警察機關 (C)檢察機關 (D)法院
- 7 若法律規定立法委員候選人須有大學畢業之資格，係限制人民之何種權利？
(A)選舉權 (B)被選舉權 (C)罷免權 (D)創制權
- 8 依憲法第 45 條之規定，國民年滿幾歲者，得被選為總統、副總統？
(A) 23 歲 (B) 30 歲 (C) 35 歲 (D) 40 歲
- 9 依憲法增修條文之規定，下列何項人員之任命須經立法院同意？
(A)行政院院長 (B)司法院院長 (C)內政部部长 (D)最高法院院長
- 10 依憲法增修條文規定，下列何項應選立法委員，係依政黨名單投票選舉產生？
(A)縣市 (B)山地原住民 (C)僑居國外國民 (D)平地原住民
- 11 立法院對於總統、副總統之彈劾案，須經全體立法委員多少以上之提議？
(A)五分之一 (B)四分之一 (C)三分之一 (D)二分之一
- 12 下列何者非憲法法庭審理之事項？
(A)政黨違憲之解散事件 (B)總統之彈劾案
(C)副總統之彈劾案 (D)大法官之彈劾案
- 13 下述何種考試不屬於憲法增修條文第 6 條所稱之考試之範圍？
(A)律師高考 (B)大學指考
(C)警察人員升官等考試 (D)外交領事人員特考

- 14 根據憲法增修條文之規定，監察委員如何產生？
(A)總統提名，經立法院同意而任命 (B)經各縣市議會選舉之
(C)人民直選 (D)總統提名，行政院院長副署而任命
- 15 依司法院釋字第 631 號解釋，司法警察基於辦案，而有需要監聽嫌犯、關係人的電話、手機通訊時，應向何人聲請核發通訊監察書？
(A)直接上級長官 (B)地方法院檢察官
(C)地方法院法官 (D)無須聲請通訊監察書，有監聽需要，即可自行監聽
- 16 下列何者，適用簡易訴訟程序？
(A)金額 60 萬元的借款返還訴訟
(B)因車禍致他人死亡，死者家屬主張慰撫金的法律爭議
(C)金額 100 萬元的票據訴訟
(D)離婚爭議
- 17 下列何者契約，無消費者保護法的 7 日解除權適用？
(A)郵購化妝品 (B)在旅遊展，預定旅遊行程
(C)經由電視購物網，洽購美容課程 (D)在辦公室被推銷購買手機
- 18 以下何者，不具民事訴訟法上的當事人能力？
(A)合夥組織 (B)胎兒 (C)祭祀公業 (D)獨資商號
- 19 以下何者，不能構成上訴民事第三審事由？
(A)原審法院逾期宣示判決 (B)原審法院判決適用法規不當
(C)原審法院判決理由矛盾 (D)原審法院舉證負擔分配錯誤
- 20 甲出售土地一筆給乙。乙何時可以取得土地所有權？
(A)買賣契約有效成立時 (B)土地完成交付時
(C)土地完成移轉登記時 (D)買賣契約完成公證時
- 21 下列何人，必須對組織的債務負起無限清償責任？
(A)大學學生社團社長 (B)合夥股東 (C)有限公司股東 (D)一人有限公司股東
- 22 以下何者，不構成民事訴訟法上的再審事由？
(A)發現有未經審酌的人證 (B)適用法規顯有錯誤
(C)證物係變造或偽造 (D)發現有未經審酌的物證
- 23 關於褫奪公權之敘述，下列選項何者正確？
(A)褫奪公權之內容，僅包含為公務員、公職候選人之資格
(B)宣告無期徒刑者，應宣告褫奪公權終身；宣告死刑者，則無褫奪公權之必要
(C)宣告 1 年以上有期徒刑者，應一律宣告褫奪公權 1 年以上 10 年以下
(D)宣告褫奪公權者，自裁判確定之日起算
- 24 依現行民法規定，以下何者，不是婚姻有效成立的必要要件？
(A)結婚合意書面 (B)公開儀式 (C)證人 (D)登記
- 25 依國家賠償法第 2 條第 3 項規定，於同條第 2 項情形公務員有故意或重大過失時，賠償義務機關對之有求償權。下列敘述何者正確？
(A)應盡善良管理人之注意而欠缺者，即屬重大過失
(B)應與處理自己事務為同一注意而欠缺者，為重大過失
(C)顯然欠缺普通人之注意者，方為重大過失
(D)應與處理自己事務為同一注意而欠缺者，為抽象過失
- 26 某法律經立法院三讀制定通過、總統於民國 101 年 5 月 1 日公布施行，該法律應自何時生效？
(A)應自民國 101 年 5 月 1 日生效 (B)應自民國 101 年 5 月 2 日生效
(C)應自民國 101 年 5 月 3 日生效 (D)應自民國 101 年 5 月 4 日生效

- 27 以下何者，無須經過登記，即取得不動產物權？
(A)空間區分地上權的受讓 (B)最高限額抵押權的設定
(C)不動產協議分割 (D)不動產強制執行的拍賣
- 28 下列何者，不屬於公寓大廈區分所有權的共用部分？
(A)住戶房間內的水管線 (B)各樓層走廊
(C)建築物外牆 (D)面向走廊的住戶大門外部
- 29 以下何者，不屬於法官應依「法」審判的「法律」概念？
(A)刑法 (B)民事習慣法 (C)利率管理條例 (D)最高法院決議意見
- 30 甲為檳榔西施，對於 A 等警察經常臨檢、盤查感到氣憤，遂在網路留下「警察臨檢、盤查是下三濫的工作」。下列敘述何者有誤？
(A)甲並未當場侮辱執行公務之公務員，並不成立刑法第 140 條之妨害公務罪
(B)甲並未對執行公務員當場施以強暴、脅迫，並不成立刑法第 135 條之妨害公務罪
(C)甲雖有公然侮辱警察的職務，惟不負刑責
(D)甲並未針對特定或可得特定警察加以侮辱，並不成立刑法第 309 條之公然侮辱罪

請回答第 31 題至第 35 題：

Are you into skiing? Is winter your favorite time of year? If you like snow and ice, maybe you should stay at the Ice Hotel in Quebec, Canada. But, you can only check in at this hotel during the winter. Why? Because this hotel is only made of ice and snow! This amazing hotel is built every December. It has 32 rooms and 80 people can stay there each night. The hotel even has a movie theater, art gallery, and church. Of course, all of these parts of the hotel are made of ice. In fact, all the furniture, art, lights, and even plates and drinking glasses are made out of ice.

Because this hotel is so unusual, it is becoming very popular. People from all over the world come to the Ice Hotel to look at the fantastic ice art, drink and eat from designer ice dishes, and experience the unique atmosphere. Some couples have even gotten married in the hotel's ice church. But all these guests keep their winter coats on! Because of all the ice, the temperature inside the hotel is always between -2°C and -5°C . Surprisingly, sleeping is not a problem in the freezing cold hotel rooms. Every guest gets a special cold-weather sleeping bag and some fur blankets. These keep them cozy and warm until morning.

- 31 What is this passage mainly about?
(A) What makes the Ice Hotel so special. (B) How you keep warm in a cold place.
(C) Why the Ice Hotel is located in Quebec. (D) How hard it is to build the hotel.
- 32 According to the passage, what kind of people are likely to pay a visit to the Ice Hotel?
(A) People who like swimming. (B) People whose favorite season is winter.
(C) People who enjoy the tropical climate. (D) People who appreciate wooden carving.
- 33 Many activities are provided in the Ice Hotel. Which of the following is NOT included?
(A) Designing coats. (B) Watching a movie.
(C) Getting married. (D) Having interesting meals.
- 34 Which of the following is true?
(A) All parts of the hotel, except beds, are made of ice.
(B) The hotel uses some special heater to keep guests warm in the room.
(C) Only a small number of tourists are attracted to the Ice Hotel.
(D) One of the features of the hotel is that it exists in winter only.
- 35 This passage is probably extracted from a(n) _____.
(A) editorial in the newspapers (B) science fiction
(C) magazine on traveling (D) cook book

- 36 Carrie: I've got a job interview tomorrow.
Karen: Are you ready?
Carrie: Yes. Although I get nervous easily, _____.
Karen: Good luck to you.
(A) I'll try it on (B) I'll take a look at it (C) I'll make it up (D) I'll give it my best shot
- 37 Mary: I want to go shopping this weekend. Want to join me?
Jane: Well, _____.
Mary: On what?
Jane: If you want to shop in a department store, then I'll go with you.
(A) it depends (B) no problem (C) that sounds great (D) I have no idea
- 38 Daniel: Kevin, do you have the time?
Kevin: _____.
Daniel: That's OK. Thanks anyway.
(A) Sorry, I forgot to wear my watch today. (B) Sure, what can I do for you?
(C) Yes, it's a quarter to ten. (D) Sorry, but my watch gains five minutes a day.

請回答第 39 題至第 40 題：

A: Did you enjoy the conference last week?

B: 39

A: You don't seem very sure.

B: Generally it went well, 40.

- 39 (A) Very much. (B) Not at all. (C) Sort of. (D) No more.
- 40 (A) if it was held in the morning (B) so it was slightly to my surprise
(C) and it was very interesting (D) but it was a bit too long

請回答第 41 題至第 44 題：

Thanks to the Internet, a quiet revolution of e-commerce is taking place. More and more people are using their computers as shopping carts. Slowly but surely, shoppers are leaving real stores and going instead to 41 ones.

Let's take going to the movies for example. Have you ever rushed to a theater 42 find the tickets were sold out? I bet you have. Now you can solve this problem by ordering your tickets online. 43, there are trade-offs in everything. Not being able to talk with clerks in person is a big 44 for e-commerce. At the online grocery store, you won't see the friendly neighborhood manager who knows you prefer ham to turkey, and you won't see any familiar faces smiling to you, either. Is it worthwhile to shop online? It's all up to you.

- 41 (A) fake (B) convenient (C) virtual (D) legal
- 42 (A) so as to (B) only to (C) about to (D) in order to
- 43 (A) Therefore (B) What's more (C) Otherwise (D) However
- 44 (A) limitation (B) advantage (C) virus (D) dilemma
- 45 Many Internet users like to _____ interesting messages to their friends because it can be done with just a click.
(A) confirm (B) forward (C) reward (D) reflect
- 46 Lina learned everything about the Grand Palace from an _____ tour guide.
(A) optional (B) informative (C) adequate (D) elastic
- 47 The police did not believe the suspect because his story was not _____.
(A) competitive (B) complex (C) consistent (D) continuous
- 48 He used credit cards whenever he went shopping and _____ got into serious debt.
(A) personally (B) previously (C) consequently (D) sequentially
- 49 German measles is a highly _____ disease. In order to stop the spread, students who get this disease are asked to stay at home.
(A) provocative (B) universal (C) infectious (D) poisonous
- 50 Steve loves watching TV. Without TV, he may be bored to death. In fact, he is hopelessly _____ to TV.
(A) addicted (B) contributed (C) obsessed (D) attributed