

99年公務人員特種考試警察人員考試及 99年特種考試交通事業鐵路人員考試試題

等 別：三等考試、高員三級

類 科：警察、鐵路各類科別

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。

- 下列名稱何者非屬憲法第 170 條規定立法院通過，總統公布之法律？
(A)法 (B)通則 (C)條例 (D)自治條例
- 我國司法院大法官解釋憲法時，應有多少大法官的同意方得通過解釋文？
(A)現有總額過半數之出席，出席人數過半數同意，方得通過
(B)現有總額三分之二之出席，出席人數過半數同意，方得通過
(C)現有總額過半數之出席，出席人數三分之二同意，方得通過
(D)現有總額三分之二之出席，出席人數三分之二同意，方得通過
- 依憲法本文之規定，司法院大法官解釋憲法，並有統一解釋下列何者之權限？
(A)法律與命令 (B)法律與判例 (C)法律與條約 (D)法律與習慣
- 土地價值非因施以勞力資本而增加者，應由國家徵收何種稅？
(A)地價稅 (B)土地使用稅 (C)契稅 (D)土地增值稅
- 依憲法本文規定，總統行使下列何種赦免權，須經行政院會議議決，並經立法院審議通過？
(A)大赦 (B)特赦 (C)減刑 (D)復權
- 依憲法增修條文規定，領土變更之程序為何？
(A)行政院提案並決議 (B)由行政院提案，經立法院決議
(C)立法院提案並決議 (D)由立法院提案，經公民複決通過
- 依據憲法第 107 條規定，下列何者是專屬於中央立法並執行之事項？
(A)公共衛生 (B)警察制度 (C)教育制度 (D)司法制度
- 我國設立之「國家通訊傳播委員會」，即係為保障下列何種基本權利？
(A)人身自由 (B)居住遷徙自由 (C)集會結社自由 (D)言論自由
- 現行國家賠償訴訟，依國家賠償法第 12 條規定，由下列何機關審判？
(A)普通法院 (B)行政法院 (C)司法院大法官 (D)公務員懲戒委員會
- 憲法第 23 條規定：「除為防止妨礙他人自由、避免緊急危難、維持社會秩序、或增進公共利益所必要者……」，可以以法律限制人民的基本權利。此所謂「必要」，現今在學理及實務上，是依下列那項原則予以檢驗？
(A)法律保留原則 (B)依法行政原則 (C)比例原則 (D)平等原則
- 行政院不得刪減下列何機關提出之年度概算？
(A)考試院 (B)監察院 (C)總統 (D)司法院
- 依總統副總統選舉罷免法之規定，有關總統、副總統候選人之安全維護事項，係由何機關協同有關機關掌理？
(A)內政部警政署 (B)法務部調查局 (C)國防部軍事情報局 (D)國家安全局
- 每屆立法委員任期屆滿時，其尚未議決之議案，下屆立法委員對於下列何者不予繼續審議？
(A)法律案 (B)預算案 (C)決算案 (D)人民請願案
- 某甲從台北市搬到嘉義縣居住，請問甲須於嘉義縣設籍至少滿幾個月，才可以行使對該縣立法委員之選舉權？
(A)1 個月 (B)3 個月 (C)4 個月 (D)6 個月
- 甲當選總統後，才被發現其在登記為總統候選人時具有外國國籍，則此時應如何處理？
(A)選民一定人數的連署得提起選舉無效之訴 (B)由中央選舉委員會撤銷其當選資格
(C)得由中央選舉委員會對其提起當選無效之訴 (D)法律對此應如何處理並無具體之規定
- 有關自然法的概念及理論之敘述，下列何者正確？
(A)只有成文法才是法律 (B)只有成文法及判例才是法律
(C)自然法就是指習慣法 (D)自然法論者認為有超越成文法的法律存在

- 17 請問下列何者，與原住民族基本法的規定不合？
(A)原住民族基本法的立法目的：「為保障原住民族基本權利，促進原住民族生存發展，建立共存共榮之族群關係」
(B)政府應依原住民族意願，保障原住民族之平等地位及自主發展，實行原住民族自治
(C)政府應依原住民族意願，本多元、平等、尊重之精神，保障原住民族教育之權利
(D)基於憲法平等原則，政府對原住民族傳統之生物多樣性知識及智慧創作，不應保護
- 18 中央法律廢止的程序為何？
(A)應經司法院通過，行政院院長公布
(B)應經行政院通過，司法院院長公布
(C)應經立法院通過，總統公布
(D)應經主管機關通過，行政院院長公布
- 19 限制地方自治團體居民權利之事項須規定在：
(A)自律規則
(B)自治條例
(C)自治規則
(D)委辦規則
- 20 人民團體法規定申請設立人民團體有主張共產主義或分裂國土之情形者，不予許可設立。司法院大法官釋字第 644 號解釋認為，此規定顯已逾越必要程度，請問該解釋意旨與下列何種原則有關？
(A)信賴保護原則
(B)不當聯結禁止原則
(C)比例原則
(D)誠實信用原則
- 21 下列那一項原則並非我國憲法所採之基本原則？
(A)權力分立
(B)共和國
(C)聯邦國
(D)法治國
- 22 由立法制定過程之資料去探求立法者的立法旨意，來解釋法律。這種解釋的方法，稱為何種解釋？
(A)文義解釋
(B)歷史解釋
(C)社會學解釋
(D)論理解釋
- 23 下列何種契約，原則上債務人不負物之瑕疵擔保責任？
(A)買賣
(B)互易
(C)租賃
(D)使用借貸
- 24 下列有關無權代理之敘述，何者錯誤？
(A)無權代理之效力非經本人承認，對本人不生效力
(B)無權代理之效力為效力未定，經本人承認為有效
(C)無權代理之效力為效力未定，經本人拒絕承認為無效
(D)無權代理雖本人未為授權仍應負授權人責任
- 25 不能未遂在刑法上的法律效果為：
(A)得減輕其刑
(B)必減輕其刑
(C)加重其刑至二分之一
(D)不罰
- 26 關於消費者保護法第 19 條無條件解約權之規定，下列敘述何者錯誤？
(A)此項規定為強制規定
(B)消費者行使此權利時，無須說明理由並無庸負擔任何費用
(C)消費者得以口頭方式為解除契約之表示
(D)消費者得以退回商品之方式行使解約權
- 27 股份有限公司股東會得依普通決議通過下列何種行為？
(A)增資發行新股
(B)決定對董事提起訴訟
(C)解任董事
(D)與他公司合併
- 28 下列關於溯及既往之敘述，何者錯誤？
(A)禁止溯及既往為法律適用上之原則
(B)禁止溯及既往亦為立法上之原則
(C)禁止溯及既往為刑法罪刑法定主義內涵之一
(D)禁止溯及既往之目的在於維持法律之安定性
- 29 甲開槍射殺乙並離開現場後，因心生悔悟，返回原地欲將乙送醫急救，然而善心路人已早先一步送乙至醫院急救，乙幸運未死。根據上述情形，下列敘述何者錯誤？
(A)甲成立殺人未遂罪
(B)本案中，若甲的事後反悔未有積極動作，只是單純冀望乙不會死亡，那麼甲就不能獲得減輕或免除其刑的待遇
(C)甲雖然有採取防止結果發生的行為，但是乙之未死亡並非甲的防止行為所導致，因此甲無法獲得減輕其刑的待遇
(D)甲已盡力為防止行為，應屬中止未遂
- 30 勞動基準法第 53 條規定自請退休的事項有三，下列何者不屬之？
(A)年滿 60 歲，於同一事業單位工作年滿 10 年
(B)年滿 55 歲，於同一事業單位工作年滿 15 年
(C)年滿 50 歲，於同一事業單位工作年滿 20 年
(D)於同一事業單位工作年滿 25 年

- 31 I am always _____ to sign anything that I haven't read carefully.
(A) contingent (B) propelled (C) rejected (D) reluctant
- 32 The firewalkers of Fiji, Hawaii, and the Cook Islands walk over blazing hot coals without _____.
(A) flinching (B) mercy (C) vindictiveness (D) probation
- 33 Body language covers the infinite range of movements, including the _____ ways to smile, to walk, to manipulate your eyes, or to move your hands and arms.
(A) futile (B) myriad (C) garrulous (D) palatable
- 34 Overweight kids and their parents are _____ nutritionists to help them switch to healthier dining habits.
(A) referred to (B) engaged in (C) craved for (D) ascribed to
- 35 The airplane, which was _____ New York, crashed outside Paris.
(A) by way of (B) in terms of (C) en route to (D) in lieu of
- 36 The project would have failed even with Steven's help.
(A) The project failed because Steven didn't help. (B) Steven helped, so the project did not fail.
(C) The project will fail without Steven's help. (D) The project failed, and Steven did not help.
- 37 Men who eat a lot of tomatoes or pizza smothered with the stuff may be giving themselves a hedge against prostate cancer.
(A) Eating a large amount of tomatoes and pizza with a lot of tomato sauce may help men prevent prostate cancer.
(B) Tomatoes or pizza with a lot of tomatoes provide a good source of food for men to recover from prostate cancer.
(C) A lot of tomatoes and stuffed pizza are strong enough to stop the development of prostate cancer in most men.
(D) Men who eat a lot of pizza stuffed with tomatoes may end up fighting successfully against prostate cancer.
- 38 Heroes may come from all walks of life, but they all have this in common: they are just ordinary people who react in an extraordinary way to help others.
(A) Heroes, poor or rich, differ from general people in the way they look and the way they behave.
(B) All people with courage and justice are just common people offering help to others voluntarily.
(C) Heroes are just human beings who are particularly ordinary in their deeds.
(D) Any one who helps people in a phenomenal way is considered a hero.
- 39 The problem of climate change has reached a level that threatens the planet.
(A) It is argued that change in weather can destroy the globe.
(B) It is problematic that change in climate will protect the earth.
(C) The degree of change in weather has signaled a menace to the globe.
(D) The problem brought forth by climate change will reach a level that no one can solve.
- 40 One of the reasons why casting a play is no easy task is that people who show up for tryouts mumble or speak in inaudible whispers.
(A) The only reason why casting a play is not easy is that people coming for tryouts would mumble or speak in inaudible whispers.
(B) Casting a play is quite difficult. For one thing, people who come to auditions are often inarticulate.
(C) Casting a play is not a hard task because lots of people who show up for tryouts speak loudly.
(D) Watching a play is hard because the audience that show up mumble or speak in inaudible whispers.
- 41 Countries that once thought they could escape fiscal upheavals that plagued the United States are now faltering, too.
(A) Countries that once thought they could fight off their own economic crisis are now, just like the United States, failing to do so.
(B) Countries that used to think they would do better than the United States in financial crisis control are now losing control, too.
(C) Countries that used to think they would not be like the United States suffering from the financial crisis are now in big trouble, too.
(D) Countries that once thought they could keep up their own economy are now suffering from the financial crisis of the United States.
- 42 It is the balancing out of sociological likenesses and psychological differences that seems to point the way for the most solid lifelong romance.
(A) The most stable kind of romance that lasts a lifetime seems to happen to couples who share similar social background while differing in innate nature.
(B) Without the balance between social similarity and psychological discrepancy, couples struggle to maintain a lifelong romantic relationship.
(C) The balance between similar social background and divergent personal characteristics does not guarantee a strong romantic relationship.
(D) Couples who share similar social experiences yet differ in physical features seem to love each other for a long time.

- 43 The oil of the landlocked country does not flow easily as it is left isolated from global markets.
- (A) The markets of the country are isolated and its oil becomes expensive.
 - (B) The country blocks the oil pipelines so that its oil would not flow to other countries.
 - (C) Due to geographic barriers, the country has difficulty transporting and selling its oil.
 - (D) The global trade organization isolates the country and forces it to lower the price of its oil.
- 44 Often teachers demand that students perform skills without having observed an expert performance of those skills within a relevant task context.
- (A) Students are frequently required by teachers to execute skills before they see demonstrations by the more experienced in real settings.
 - (B) It is reasonable to require students to carry out skills before they can observe expert performance of the skills.
 - (C) Many students believe that observing an expert performance of a certain skill is the best way to learn the skill.
 - (D) Students are oftentimes asked by teachers to demonstrate skills in a realistic context.
- 45 There is no scarcity of opportunity to make a living at what you love; there's only a scarcity of resolve to make it happen.
- (A) Determination is prior to opportunity in making a living at what you love.
 - (B) If you get scared, you won't be able to make a living at what you love.
 - (C) The opportunity for you to make a living at what you love is quite limited.
 - (D) To find an opportunity to make a living at what you love is most urgent.

The beavers at the Minnesota Zoo seem engaged in an unending task. Each week they fell scores of inch-thick young trees for their winter food supply. Each week zoo workers surreptitiously replace the downed trees, anchoring new ones in the iron holders so the animals can keep on cutting. Letting the beavers do what comes naturally has paid off: Minnesota is one of the few zoos to get them to reproduce in captivity. The chimps at the St. Louis Zoo also work for a living: they poke stiff pieces of hay into an anthill to scoop out the baby food and honey that curators hide inside. Instead of idly awaiting banana handouts, the chimps get to manipulate tools, just as they do in the wild. Last year, when 13 gorillas moved into Zoo Atlanta's new \$4.5 million rain forest, they mated and formed families—a rarity among captives. "Zoos have changed from being mere menageries to being celebrations of life," says John Gwynne of the Bronx Zoo. "As the wild places get smaller, the role of zoos gets larger, which means intensifying the naturalness of the experience for both visitors and animals."

- 46 What do the beavers do at the Minnesota Zoo?
- (A) They are engaged in a task to find baby food.
 - (B) They are busy making tools for their winter food.
 - (C) They keep cutting down young trees for their winter food.
 - (D) They do nothing but idly awaiting winter food.
- 47 What does "surreptitiously" mean in the passage?
- (A) Secretly
 - (B) Carefully
 - (C) Considerately
 - (D) Hurriedly
- 48 According to the passage, how has the Minnesota Zoo benefited from their new project for the beavers?
- (A) The Zoo has to hire more people to work for the beavers.
 - (B) The Zoo has more beaver families and baby beavers.
 - (C) The Zoo has to spend more money building houses for the beavers.
 - (D) The Zoo attracts more visitors to see the beavers.
- 49 According to the passage, which of the following statements is NOT true?
- (A) The chimps at the St. Louis Zoo work for a living.
 - (B) The chimps at the St. Louis Zoo try to get baby food themselves.
 - (C) The chimps hide the baby food and honey inside anthills.
 - (D) The chimps know how to make and use tools.
- 50 What can we infer from the passage about the concept of new zoo management?
- (A) New zoos must be large enough to attract more visitors to make a profit.
 - (B) New zoos must have more wild animals to mate with each other.
 - (C) New zoos have to build more cages to keep their wild animals safe.
 - (D) New zoos have to accommodate animals' natural ways of living.