THE STATE CONSTITUTION OF NEBRASKA. Preamble. We, the people, grateful to Almighty God for our freedom, do ordain and establish the following declaration of rights and frame of government, as the Constitution of the State of Nebraska. Annotation The Preamble of the Constitution is not a part of the Constitution, but only a general statement of purpose. The State of Nebraska does not derive any of its substantive powers from the Preamble to the Nebraska Constitution. The Preamble cannot exert any power to secure the declared objects of the Constitution unless, apart from the Preamble, such power can be found in, or can be properly implied from, some express delegation in the Constitution. Omaha Nat. Bank v. Spire, 223 Neb. 209, 389 N.W.2d 269 (1986). I-1. Statement of rights. All persons are by nature free and independent, and have certain inherent and inalienable rights; among these are life, liberty, the pursuit of happiness, and the right to keep and bear arms for security or defense of self, family, home, and others, and for lawful common defense, hunting, recreational use, and all other lawful purposes, and such rights shall not be denied or infringed by the state or any subdivision thereof. To secure these rights, and the protection of property, governments are instituted among people, deriving their just powers from the consent of the governed. Annotation 1. Personal rights 2. Property rights 3. Taxation 4. Right to bear arms 5. Miscellaneous 1. Personal rights Section 29-2203 does not violate either the U.S. or Nebraska Constitution. State v. Ryan, 233 Neb. 74, 444 N.W.2d 610 (1989). Statute providing it shall be unlawful just to be in place where controlled substance is being used illegally is unconstitutionally vague and overbroad. State v. Adkins, 196 Neb. 76, 241 N.W.2d 655 (1976). Requirement of continuous residency of four months independent of school attendance to establish residence for tuition purposes does not violate this section. Thompson v. Board of Regents of University of Nebraska, 187 Neb. 252, 188 N.W.2d 840 (1971). Failure to appoint counsel to represent a defendant in a criminal case upon appeal did not violate this section. State v. Dabney, 181 Neb. 263, 147 N.W.2d 768 (1967). Sexual psychopath law does not deny equal protection of the laws. State v. Madary, 178 Neb. 383, 133 N.W.2d 583 (1965). Statute prohibiting state and federal officers and employees from being delegates to county, district, and state political conventions did not violate this section. State ex rel. Baldwin v. Strain, 152 Neb. 763, 42 N.W.2d 796 (1950). Habitual criminal law, defining habitual criminal and providing punishment therefor, is not violative of this section. Rains v. State, 142 Neb. 284, 5 N.W.2d 887 (1942). The provision of an agreement between a labor organization and an employer that when a female employee, member of the organization, marries, her employment shall terminate, does not violate constitutional rights of employee. Brisbin v. E. L. Oliver Lodge No. 335, 134 Neb. 517, 279 N.W. 277 (1938). The right to engage in the sale of intoxicating liquors is not an inherent and inalienable right which the state is forbidden to abridge. Griffin v. Gass, 133 Neb. 56, 274 N.W. 193 (1937). Statute forbidding possession of liquor elsewhere than in private dwelling is not void as discriminatory. Fitch v. State, 102 Neb. 361, 167 N.W. 417 (1918). "Sunday Law" is not repugnant to the Constitution. In re Caldwell, 82 Neb. 544, 118 N.W. 133 (1908). A statute regulating and limiting the hours of employment of females in manufacturing, mechanical and mercantile establishments, hotels and restaurants is not repugnant to the provisions of the Constitution. Wenham v. State, 65 Neb. 394, 91 N.W. 421 (1902), 58 L.R.A. 825 (1902). 2. Property rights Statute requiring fencing of right-of-way by railroads did not operate to deprive railroad of equal rights. Linenbrink v. Chicago & N.W. Ry. Co., 177 Neb. 838, 131 N.W.2d 417 (1964). Every citizen has the right to acquire property and sell it at such price as he can obtain in fair barter. Elder v. Doerr, 175 Neb. 483, 122 N.W.2d 528 (1963). A private employment agency is not a business in which the public has such an interest that price fixing may properly be included as a method of regulation. Boomer v. Olsen, 143 Neb. 579, 10 N.W.2d 507 (1943). Act regulating sale of motor vehicles for purpose of preventing fraud is not a violation of constitutional rights. Nelsen v. Tilley, 137 Neb. 327, 289 N.W. 388 (1939), 126 A.L.R. 729 (1939). The right to acquire property and dispose of it in such innocent manner as he pleases for such price as he can obtain in fair barter is guaranteed to every person. State ex rel. English v. Ruback, 135 Neb. 335, 281 N.W. 607 (1938). Property used for "religious purpose" is within the spirit of Constitution exempting it from taxation. Ancient & Accepted Scottish Rite v. Board of County Commissioners, 122 Neb. 586, 241 N.W. 93 (1932), 81 A.L.R. 1166 (1932). City ordinance requiring Sunday closing of places of business for sale or exchange of motor vehicles is valid under police power, and not discriminatory under this article. Stewart Motor Co. v. City of Omaha, 120 Neb. 776, 235 N.W. 332 (1931). Statute requiring railroad company to fence right-of-way is constitutional. Middaugh v. Chicago & N.W. Ry. Co., 114 Neb. 438, 208 N.W. 139 (1926). Law prohibiting merchants from giving trading stamps is unconstitutional. State ex rel. Hartigan v. Sperry & Hutchinson Co., 94 Neb. 785, 144 N.W. 795 (1913), 49 L.R.A.N.S. 1123 (1913). 3. Taxation Ordinance of city of Lincoln imposing occupation tax on taxicabs was not objectionable as unjust, discriminatory and denial of equal protection of the laws, though no tax was imposed on trucks carrying freight. Richter v. City of Lincoln, 136 Neb. 289, 285 N.W. 593 (1939). Gross premium tax on foreign insurance companies is an excise tax on privilege of doing business in Nebraska, and does not violate equal rights clause of Constitution. State ex rel. Smrha v. General American Life Ins. Co., 132 Neb. 520, 272 N.W. 555 (1937). 4. Right to bear arms The "Right to Bear Arms" amendment to this provision does not abolish the death penalty in Nebraska. Anderson v. Gunter, 235 Neb. 560, 456 N.W.2d 286 (1990). Section 28-1203(1) is not vitiated by the "Right to Bear Arms" amendment of 1988, is a valid exercise of the State's police power in reasonable regulation of certain firearms, and does not contravene this provision. State v. LaChapelle, 234 Neb. 458, 451 N.W.2d 689 (1990). The constitutional right to keep and bear arms is subject to reasonable regulation by statute if the statute does not frustrate the guarantee of the constitutional provision. State v. Comeau, 233 Neb. 907, 448 N.W.2d 595 (1989). 5. Miscellaneous Section 39-6,193, imposing vicarious liability on owners-lessors of trucks for damages by lessees and operators of the leased trucks, is constitutional. Bridgeford v. U-Haul Co., 195 Neb. 308, 238 N.W.2d 443 (1976). Act establishing vocational technical schools does not violate this section. Campbell v. Area Vocational Technical School No. 2, 183 Neb. 318, 159 N.W.2d 817 (1968). Statute creating Nebraska Power Review Board did not violate this section. City of Auburn v. Eastern Nebraska Public Power Dist., 179 Neb. 439, 138 N.W.2d 629 (1965). Zoning ordinance of city of Omaha did not violate this section. Wolf v. City of Omaha, 177 Neb. 545, 129 N.W.2d 501 (1964). Sunday closing law violated this section and was unconstitutional in its entirety. Terry Carpenter, Inc. v. Wood, 177 Neb. 515, 129 N.W.2d 475 (1964). Sunday closing ordinance of city of first class violated this section. Skag-Way Department Stores, Inc. v. City of Grand Island, 176 Neb. 169, 125 N.W.2d 529 (1964). Zoning act and ordinance sustained as constitutional. Schlientz v. City of North Platte, 172 Neb. 477, 110 N.W.2d 58 (1961). In the interpretation of the Bill of Rights, the court will consider its history, the development of the evil sought to be restrained, the established laws, usages and customs at time of its adoption, and scope of the remedy its terms imply. First Trust Co. of Lincoln v. Smith, 134 Neb. 84, 277 N.W. 762 (1938). Statute arbitrarily dividing county into commissioner districts, without regard to population, is unconstitutional. State ex rel. Harte v. Moorhead, 99 Neb. 527, 156 N.W. 1067 (1916). The constitutional right to life, liberty and the pursuit of happiness is not infringed by statutes prohibiting deceit or fraud. In re Barnes, 83 Neb. 443, 119 N.W. 662 (1909). Bill of rights is not enumeration of all powers reserved to people. State ex rel. Smyth, Attorney General v. Moores, 55 Neb. 480, 76 N.W. 175 (1898), 41 L.R.A. 624 (1898). Law of land and due process do not mean merely legislative enactments. The Atchison & Nebraska R.R. Co. v. Baty, 6 Neb. 37, 29 Am. R. 356 (1877). I-2. Slavery prohibited. There shall be neither slavery nor involuntary servitude in this state, otherwise than for punishment of crime, whereof the party shall have been duly convicted. Annotation An employer's intentional concealment of the dangers inherent in the work environment and the true nature and effect of an occupational disease does not constitute involuntary servitude—the use or threat of physical force or legal coercion to extract labor from an unwilling worker—and thus construing the Workers' Compensation Act to include such conduct does not violate U.S. Const. amend. XIII or this provision. Abbott v. Gould, Inc., 232 Neb. 907, 443 N.W.2d 591 (1989). Imprisonment at hard labor for contempt of court, arising out of violation of injunctive order, is involuntary servitude prohibited by this section. Smolczyk v. Gaston, 147 Neb. 681, 24 N.W.2d 862 (1946). I-3. Due process of law; equal protection. No person shall be deprived of life, liberty, or property, without due process of law, nor be denied equal protection of the laws. Annotation 1. Criminal prosecutions 2. Vague or overbroad 3. Arbitrary or unreasonable 4. Procedural due process 5. Reasonable regulation 6. Deprived of liberty 7. Deprived of property 8. Contract rights 9. Labor and employment 10. Taxes and special assessments 11. Laws held generally to violate due process 12. Laws held generally not to violate due process 13. Miscellaneous 1. Criminal prosecutions The Due Process Clauses of the U.S. and Nebraska Constitutions preclude admissibility of an involuntary confession. State v. Bormann, 279 Neb. 320, 777 N.W.2d 829 (2010). The amendment to this provision providing that "no person shall ... be denied equal protection of the laws" operates prospectively only. In order to prove that a defendant's race unconstitutionally taints enforcement of the death penalty, the defendant must at a minimum establish that the decision to enforce the death penalty is based on a conscious discriminatory purpose, resulting in a discriminatory effect suffered by the defendant. A defendant has a life interest in connection with the imposition of the death penalty and is entitled to due process in the imposition of the sentence. State v. Reeves, 258 Neb. 511, 604 N.W.2d 151 (2000). This section provides that no person shall be deprived of liberty "without due process of law", and article I, section 11, provides that the accused in a criminal prosecution shall have the right to "trial by an impartial jury". These provisions are interconnected and require that criminal convictions rest upon a jury determination that a criminal defendant is guilty beyond a reasonable doubt of every element of the crime charged. State v. White, 249 Neb. 381, 543 N.W.2d 725 (1996). The due process clause of this provision precludes admissibility of an involuntary confession. State v. Mantich, 249 Neb. 311, 543 N.W.2d 181 (1996). The due process clause precludes admissibility of an involuntary confession. State v. Martin, 243 Neb. 368, 500 N.W.2d 512 (1993). Allegedly coercive conduct on the part of private detective obtaining a statement from defendant did not carry over to statement made by defendant several hours later in the presence of others. State v. Phelps, 241 Neb. 707, 490 N.W.2d 676 (1992). Section 29-2203 does not violate either the U.S. or Nebraska Constitution. State v. Ryan, 233 Neb. 74, 444 N.W.2d 610 (1989). Prosecutions for felonies, including murder, may be had on informations filed by the county attorney, and such procedure neither violates the 14th amendment to the U.S. Constitution nor the due process clause of the Nebraska Constitution. State v. Burchett, 224 Neb. 444, 399 N.W.2d 258 (1986). No one has a vested right in a procedure, and procedural matters can be changed at any time before trial and are binding on a defendant. State v. Palmer, 224 Neb. 282, 399 N.W.2d 706 (1986). Photographic lineup did not violate due process despite defendant's argument that the identification procedure was unduly suggestive in that the relative heights of suspects were readily determinable by reference to the strategically placed doorframe visible in each photograph. State v. Palmer, 224 Neb. 282, 399 N.W.2d 706 (1986). Trial court's determination that defendant's incriminating statements were made in a non-custodial setting was not clearly wrong; thus, police did not violate defendant's constitutional right against self-incrimination. State v. Saylor, 223 Neb. 694, 392 N.W.2d 789 (1986). Due process is afforded defendant in capital case by the traditional trial to court or jury, the presentence report on defendant, a presentence hearing and findings relating to aggravating and mitigating circumstances, and automatic review in Supreme Court, all to assure the death penalty will not be imposed arbitrarily or capriciously. State v. Simants, 197 Neb. 549, 250 N.W.2d 881 (1977); State v. Rust, 197 Neb. 528, 250 N.W.2d 867 (1977). Sections 29-3301 to 29-3307 do not violate privilege against self-incrimination, are constitutional, and apply

to physical evidence, not to or

al communications or testimony. State v. Swayze, 197 Neb. 149, 247 N.W.2d 440 (1976). Due process does not require a prosecuting attorney to hold an adversary hearing prior to determining the ma

nner in which a minor defendant shall be proceeded against. State v. Grayer, 191 Neb. 523, 215 N.W.2d 859 (1974). Whether an identification procedure is violative of due process will be determined

upon a con si d erati

on of the totality of the circumstances surrounding it. State v. Sanchell, 191 Neb. 505, 216 N.W.2d 504 (1974). Failure to appoint counsel to represent a defendant

in a cr

iminal case upon appeal did not violate this section. State v. Dabney, 181 Neb. 263, 147 N.W.2d 768 (1967). Use of conviction of a crime

due process clause requires reversal of the conviction, even though there is other evidence sufficient to sustain the conviction. State v. Long, 179 Neb

606, 139 N.W.2d 813 (1966). Due process of law in a criminal case includes right to trial by jury and right to defend in person or by counsel. John

son v. State, 169 Neb. 783, 100 N.W.2d 844 (1960). Detention in jail for six months awaiting trial was not a denial of due process. Svehla v. State

, 168 Neb. 553, 96 N.W.2d 649 (1959). Proceedings in contempt were not violative of due process s. Cornett v. State, 155 Neb. 766, 53 N.W.2d 74

7 (1952). Denial of continuance did not operate to violate due process clause. Hawk v. State, 151 Neb. 717, 39 N.W.2d 561 (1949). Where a jur

y in a criminal case disagrees and is properly discharged, a second trial upon original charge, even though one or more degrees of th

e offense have been withdrawn, does not violate this section. State v. Hutter, 145 Neb. 798, 18 N.W.2d 203 (1945). A person charged

with a crime waives constitutional rights by judicial confession of guilt. In re Applicatio

N.W.2d 225 (1944). Where, after objection that copy of amended information had not b

n of Carper, Tesar v. Bowley, 144 Neb. 623, 14

nformation which had been served, there was no violation of this section. Hoctor v.

een served, trial proceeded upon the original i

formation alleging all facts necessary to constitute a criminal offense, does not viol

State, 141 Neb. 329, 3 N.W.2d 558 (1942). An in

of law. Chadek v. State, 138 Neb. 626, 294 N.W. 384 (1940). Habitual criminal statute

ate constitutional provision as to due process

waived where no demand made. Davis v. O'Grady, 137 Neb. 708, 291 N.W. 82 (1940).

upheld. Right of accused to counsel deemed

s a law creating or defining the offense, a court of competent jurisdiction, accusat

Due process of law in a criminal case require

wer the charge, trial according to the settled course of judicial proceeding, and a

ion in due form, notice and opportunity to ans

tiel v. State, 135 Neb. 811, 284 N.W. 321 (1939). Statute prohibiting granting of

right to be discharged unless found guilty. Du

substantial miscarriage of justice has actually occurred, does not justify cou

new trial if Supreme Court considers that no

itutional right to fair trial was violated. Scott v. State, 121 Neb. 232, 236 N.W.

rt in denying new trial where accused's const

and impartial trial to every person accused of crime, and that no person sh

608 (1931). The Constitution guarantees a fair

witness against himself, nor shall he be deprived of life, liberty, or property

all be compelled in any criminal case to be a

15 Neb. 634, 214 N.W. 256 (1927). The judge of a district court has no jurisd

without due process of law. Coxbill v. State, 1

nce of a defendant charged with a felony who pleads not guilty, without a tri

iction to try and determine the guilt or innoce

onferred by consent of the accused. Michaelson v. Beemer, 72 Neb. 761, 10

al to a jury, and such jurisdiction cannot be c

n information of prosecuting attorney did not contravene the due process

1 N.W. 1007 (1904). Prosecution of accused o

te, 51 Neb. 581, 71 N.W. 444 (1897). Although due process does not requir

of law clause of the Constitution. Bolln v. Sta

prisoner in a private civil matter, due process does require that the pris

e the appointment of counsel to represent a

to defend against suits brought against him or her. Conn v. Conn, 13

oner receive meaningful access to the courts

ue or overbroad Statute providing it shall be unlawful just to be in pla

Neb. App. 472, 695 N.W.2d 674 (2005). 2. Vag

illegally is unconstitutionally vague and overbroad. State v. Adkins,

ce where controlled substance is being used

hicle flight to avoid arrest, act held unconstitutional upon the groun

196 Neb. 76, 241 N.W.2d 655 (1976). Motor ve

Brainard, 181 Neb. 294, 147 N.W.2d 772 (1967). Grade A Milk Act con

d of vagueness and uncertainty. Heywood v.

ower to an administrative agency and was unconstitutional. Lincol

tained an unlawful delegation of legislative p

.2d 227 (1960). Municipal ordinance directed against obscene publ

n Dairy Co. v. Finigan, 170 Neb. 777, 104 N.W

cras, 166 Neb. 642, 90 N.W.2d 263 (1958). 3. Arbitrary or unreasona

ications was void for uncertainty. State v. Po

utility, a state cannot set rates which are unjust, unreasonable, a

ble In setting rates that may be charged by a

e the utility of property without the due process of law. K N Ener

nd confiscatory and which, therefore, depriv

b. 113, 505 N.W.2d 102 (1993). If it becomes apparent that a statu

gy, Inc. v. Cities of Broken Bow et al., 244 Ne

e legitimate business by creating a monopoly or trade barrier, it

te does not tend to preserve the public health, safety, or welfare but tends more to sti fl

Public Auction Law imposes arbitrary and unreasonable limitati

is unconstitutional. Gillette Dairy, Inc. v. Nebraska Dairy Products Board, 192 Neb. 89, 219 N.W.2d 214 (1974).

f constitutional guaranty afforded by this section was security of

ons on conduct of a lawful business. Blauvelt v. Beck, 162 Neb. 576, 76 N.W.2d 738 (1956). Primary purpose o

2d 548 (1947). Prohibiting manufacture and sale of milk to which h

the individual from the arbitrary exercise of the powers of government. Rein v. Johnson, 149 Neb. 67, 30 N.W.

d taking property without due process of law. Carolene Products

as been added any fat or oil other than milk, violates the Constitution as being arbitrary and unreasonable an

cretary of Agriculture to fix reasonable excess tolerance is not

Co. v. Banning, 131 Neb. 429, 268 N.W. 313 (1936). Statute regulating size of loaf of bread and authorizing Se

7 N.W. 39 (1933). Statute fixing maximum weights for loaves o

violative of due process clause. Petersen Baking Co. v. Bryan, 290 U.S. 570 (1934), affirming 124 Neb. 464, 24

. v. Bryan, 264 U.S. 504 (1924), reversing Burns Baking Co. v.

f bread is repugnant to the Fourteenth Amendment of the Constitution of the United States. Burns Baking Co

were denied substantive due process of law by employer'

McKelvie, 108 Neb. 674, 189 N.W. 383 (1922). 4. Procedural due process Municipal employees' claim that they

ied employees the benefit of vested employment benefits.

s payment of disability pension benefits failed because employees presented no evidence that employer den

, 255 Neb. 572, 586 N.W.2d 452 (1998). The exclusive rem

Constitutional deprivations are not founded upon speculation or mere possibilities. Bauers v. City of Lincoln

well as the requirements of Neb. Const. art. I, section 13

edy provided by the Workers' Compensation Act satisfies the due process requirements of this provision, as

ld, Inc., 232 Neb. 907, 443 N.W.2d 591 (1989). The hearin

, that every person shall have a remedy by due course of law for any injury done to him or her. Abbott v. Gou

ocation of his motor vehicle operator's license under

g each motorist has on each offense before points are assessed, and right to appeal to district court from rev

cess. Stauffer v. Weedlun, 188 Neb. 105, 195 N.W.2

sections 39-669.27 and 39-669.28, R.R.S.1943, pending which the court may stay revocation, provide due pro

mitations may be changed by the Legislature. Stat

d 218 (1972). A person has no property in rules of the common law and such rules subject to constitutional li

before a county judge not an attorney not violat

e Securities Co. v. Norfolk Livestock Sales Co., Inc., 187 Neb. 446, 191 N.W.2d 614 (1971). Preliminary hearing

area vocational technical schools did not violat

ive of this section. State v. Howard, 184 Neb. 274, 167 N.W.2d 80 (1969). Statute providing for withdrawal from

tional Technical School No. 2, 184 Neb. 196, 1

e this section in failing to provide hearing for determination of validity of signatures. Chaloupka v. Area Voca

s of law. Rundall v. Whiteside, 182 Neb. 176, 153 N.W.2d 736 (1967). Requirement of due

65 N.W.2d 719 (1969). Requirement for furnishing of probate appeal bond did not deprive party of due proces

process of law was satisfied by original notice of hearing before board of appraisers in eminent domain proceedings. Weiner v. State, 179 Neb. 297, 137 N.W.2d 852 (1965). The incorporation of a village by the county board upon a petition of a majority of the taxable inhabitants is not a denial of due process of law. Kriz v. Klingensmith, 176 Neb. 205, 125 N.W.2d 674 (1964). Due process of law was not denied by failure to mail notice of intention to pass resolution of necessity declaring advisability of constructing sewer. Jones v. Village of Farnam, 174 Neb. 704, 119 N.W.2d 157 (1963). Procedure for investigation of conduct of attorneys was not a denial of due process of law. State ex rel. Nebraska State Bar Assn. v. Jensen, 171 Neb. 1, 105 N.W.2d 459 (1960). Prosecution before a judge disqualified by pecuniary interest is a violation of due process of law. Conkling v. DeLany, 167 Neb. 4, 91 N.W.2d 250 (1958). Provision for service of process upon Director of Banking in action for violation of Installment Loan Act was constitutional. McNish v. General Credit Corp., 164 Neb. 526, 83 N.W.2d 1 (1957). Act for change of boundaries of school district required notice and opportunity to be heard. Schutte v. Schmitt, 162 Neb. 162, 75 N.W.2d 656 (1956). Judgment is void unless a proper method of notification is employed. Board of Trustees of York College v. Cheney, 160 Neb. 631, 71 N.W.2d 195 (1955). Service under reciprocal nonresident guardianship act did not violate due process clause. Howell v. Fletcher, 157 Neb. 196, 59 N.W.2d 359 (1953). Statute authorizing annexation of additional territory of rural fire protection district did not deny due process. Seward County Rural Fire Protection Dist. v. County of Seward, 156 Neb. 516, 56 N.W.2d 700 (1953). Fact that examiner of State Railway Commission considered the interrelationship of various applications when determining action to be taken on each application separately was not a denial of due process. In re Application of Petersen & Petersen, Inc., 153 Neb. 517, 45 N.W.2d 465 (1951). Party who invoked special proceeding could not question constitutionality thereof under this section. Lackaff v. Department of Roads & Irrigation, 153 Neb. 217, 43 N.W.2d 576 (1950). Action of county board in determining population of county at a secret meeting without notice to county officers whose salaries were thereby affected, vitally affected the rights and interests of the officers and is void. Shambaugh v. Buffalo County, 133 Neb. 46, 274 N.W. 207 (1937). Where juror failed to disclose his ineligibility when questioned by trial court, and is permitted to serve on jury, a new trial should be granted. Berg v. Griffiths, 126 Neb. 235, 252 N.W. 918 (1934). A statute providing that an action for injury to person or property by a common carrier, bus or trucking company may be brought in any county on the road or line where service could be obtained on a driver thereof is not improper or taking of property without due process of law. Schwarting v. Ogram, 123 Neb. 76, 242 N.W. 273 (1932), 81 A.L.R. 769 (1932). Statute authorizing counties to foreclose lien for taxes delinquent more than three years is not taking property without due process of law. Commercial Savings & Loan Assn. v. Pyramid Realty Co., 121 Neb. 493, 237 N.W. 575 (1931). Legislation authorizing county superintendent, clerk, and county board to change boundary lines between school districts without notice or hearing is a violation of due process of law. Ruwe v. School District No. 85 of Dodge County, 120 Neb. 668, 234 N.W. 789 (1931). Statute relating to service on nonresident car owners is constitutional except as to provision for 90 day continuance and does not deprive such owners of property without due process of law. Herzoff v. Hommel, 120 Neb. 475, 233 N.W. 458 (1930). Statute empowering department to cancel water appropriation, in view of provision for notice and appeal does not deprive one of his property without due process of law. Dawson County Irr. Co. v. McMullen, 120 Neb. 245, 231 N.W. 840 (1930). Curative act to validate proceedings for creation of a light and power district, but applicable only to particular district, is unconstitutional because it violates due process of law clause. Anderson v. Lehmkuhl, 119 Neb. 451, 229 N.W. 773 (1930). Where an increase in the assessed valuation of property as returned by county, is made by the State Board of Equalization without notice and without affording sufficient opportunity to be heard, it amounts to confiscation of property without due process. American Tel. & Tel. Co. v. State Board of Equalization & Assessment, 119 Neb. 142, 227 N.W. 455 (1929); Northwestern Bell Tel. Co. v. State Board of Equalization & Assessment, 119 Neb. 138, 227 N.W. 452 (1929); Lincoln Tel. & Tel. Co. v. State Board of Equalization & Assessment, 119 Neb. 137, 227 N.W. 454 (1929); Stanton County v. State Board of Equalization & Assessment, 119 Neb. 136, 227 N.W. 454 (1929). Failing to provide for notice to resident owners of appraisers' meeting to assess damages in condemnation proceedings by county contravened the Constitution. Sheridan County v. Hand, 114 Neb. 813, 210 N.W. 273 (1926). The issuance of bonds upon a petition of not less than fifty-one per cent of the voters stands upon the same legal footing as bonds issued by virtue of an election and the fact the taxpayer is given no opportunity to contest the validity of the bonds is not taking of property without due process of law. McCord v. Marsh, 108 Neb. 723, 189 N.W. 386 (1922). Failure to provide in statute for notice to the property owner of the time and place at which the appraisers would meet for purpose of making their assessment in condemnation of school site is unconstitutional and actual notice cannot operate as a substitute. Albin v. Consolidated School Dist. No. 14 of Richardson County, 106 Neb. 719, 184 N.W. 141 (1921). Law permitting jury, in court's discretion, to view premises does not violate constitutional provision of taking property without due process of law. Drollinger v. Hastings & N. W. R. R. Co., 98 Neb. 520, 153 N.W. 619 (1915). Law purporting to validate proceedings of probate court under prior act which had been held unconstitutional contravenes due process of law and is unconstitutional. Draper v. Clayton, 87 Neb. 443, 127 N.W. 369 (1910). Striking answer from files and denying defendant right to further defense in divorce suit violates the constitutional right of the defendant to due process of law. McNamara v. McNamara, 86 Neb. 631, 126 N.W. 94 (1910). No judgment of a court is due process of law if rendered without jurisdiction in the court, or without due notice to the party. Herman v. Barth, 85 Neb. 722, 124 N.W. 135 (1910). To constitute due process of law it is not necessary that notice be given of each step in the process of taxation. It is sufficient if the taxpayer has an opportunity to appear, at some time before a tribunal having jurisdiction, and there procure an adjustment of his liabilities. State v. Several Parcels of Land, 83 Neb. 13, 119 N.W. 21 (1908). Statute authorizing the revival of a dormant judgment against a nonresident upon service by publication is not repugnant to state Constitution. White v. Ress, 80 Neb. 749, 115 N.W. 301 (1908). Statute providing for the organization of a drainage district whenever the same will promote the public health, convenience or welfare, funds to be raised in proportion to benefits received, notice giving owner right to appear and be heard and to appeal from order of assignment, does not amount to the taking of private property for private use, nor for public use without just compensation nor without due process of law. State ex rel. Harris v. Hanson, 80 Neb. 724, 115 N.W. 294 (1908). A statute that provides for seizure and forfeiture of guns used in hunting out of season, if no hearing provided for, is unconstitutional. McConnell v. McKillip, 71 Neb. 712, 99 N.W. 505 (1904). Whenever an opportunity is offered to invoke equal protection of law by judicial proceeding appropriate for the purpose and adequate to secure the end and object sought to be attained, due process of law is said to be satisfied. Reed v. Reed, 70 Neb. 779, 98 N.W. 73 (1904). In an action to quiet the title to real estate on the grounds of adverse possession, the former owner has not been deprived of his property without due process of law if the period has expired which, under the law, would bar an action for its recovery by the real owner. Linton v. Heye, 69 Neb. 450, 95 N.W. 1040 (1903), affirmed in 194 U.S. 628 (1904). Act providing for assessment of damages under herd law, by arbitration, if cumulative, and not exclusive is not taking of property without due process of law. Randall v. Gross, 67 Neb. 255, 93 N.W. 223 (1903). Statute providing that all witness fees and costs uncalled for within a certain specified time, in default of which they shall be paid into school fund is not taking of property without due process of law. Douglas County v. Moores, 66 Neb. 284, 92 N.W. 199 (1902). Drainage district assessments, where owners are given opportunity to appear and be heard and accorded a right to review, are not taking of property without due process of law. Dodge County v. Acom, 61 Neb. 376, 85 N.W. 292 (1901). Lord Campbell's Act gives right of action to personal representative of deceased for death of passenger and does not deprive railroad companies of their property without due process of law. Chicago, R. I. & P. Ry. Co. v. Zernecke, 59 Neb. 689, 82 N.W. 26 (1900); Chicago, R. I. & P. Ry. Co. v. Hambel, 2 Neb. Unof. 607, 89 N.W. 643 (1902). "Due process of law" is defined as such exertion of power of government as sanctioned by settled maxims of law and under such safeguards for protection of individual rights as prescribed for class of cases to which the one in question belongs. It has never been construed as right to be heard in court of last resort, but is satisfied by proceeding applicable to subject matter and conformable to such general rules as affect all persons alike. Chicago, B. & Q. R. R. Co. v. Headrick, 49 Neb. 286, 68 N.W. 489 (1896). Providing for organization of drainage districts and charging lands for payment of bonds, upon petition and notice is valid. Board of Directors of Alfalfa Irrigation Dist. v. Collins, 46 Neb. 411, 64 N.W. 1086 (1895). A statute authorizing a city to change existing grades but failing to provide for notice to property owners of appraisers' meeting is unconstitutional. McGavock v. City of Omaha, 40 Neb. 64, 58 N.W. 543 (1894). Due process requires that a prisoner receive meaningful access to the courts to defend civil suits brought against the prisoner. Board of Regents v. Thompson, 6 Neb. App. 734, 577 N.W.2d 749 (1998). 5. Reasonable regulation Due process is not violated in termination of parental rights statutes where a parent of ordinary intelligence can ascertain, without guessing, the prescribed standards governing parental conduct. State v. A. H., 198 Neb. 444, 253 N.W.2d 283 (1977). Section 39-6,193, imposing vicarious liability on owners-lessors of trucks for damages by lessees and operators of the leased trucks, is constitutional. Bridgeford v. U-Haul Co., 195 Neb. 308, 238 N.W.2d 443 (1976). Legislative act requiring continuous residency of four months independent of school attendance to establish residence for tuition purposes does not violate this section. Thompson v. Board of Regents of University of Nebraska, 187 Neb. 252, 188 N.W.2d 840 (1971). Prohibiting wholesaler from giving discounts for quantity purchases of alcoholic liquor to retailers is not a denial of due process. Central Markets West, Inc. v. State, 186 Neb. 79, 180 N.W.2d 880 (1970). Statute authorizing county board to relocate roads did not violate this section. Emry v. Lake, 181 Neb. 568, 149 N.W.2d 520 (1967). Statute providing for limited access to interstate highway is not violative of due process. Fougeron v. County of Seward, 174 Neb. 753, 119 N.W.2d 298 (1963). Act authorizing revocation of driver's license for failure to submit to blood or urine test did not violate this section. Prucha v. Department of Motor Vehicles, 172 Neb. 415, 110 N.W.2d 75 (1961). Statute requiring a warehouseman to report list of property held in storage was not a denial of due process of law. United States Cold Storage Corp. v. Stolinski, 168 Neb. 513, 96 N.W.2d 408 (1959). Statute prohibiting state and federal officers and employees from being delegates to county, district, and state political conventions did not violate this section. State ex rel. Baldwin v. Strain, 152 Neb. 763, 42 N.W.2d 796 (1950). Act requiring proper lights on mainline switch stands by railroads was not void under due process clause. State v. Chicago & N.W. Ry. Co., 147 Neb. 970, 25 N.W.2d 824 (1947). Claim made and rejected that appropriation of surface and ground waters without compensation violated this section. Dischner v. Loup River P.P. Dist., 147 Neb. 949, 25 N.W.2d 813 (1947). Legislative act providing for p