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## The World Court and the Senate

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*Olson vs. Swendiman*: Plaintiff agreed to work for defendant, a dentist, for the term of five years. In event plaintiff left such employment during the life of the contract he agreed not to engage in the practice of dentistry in Grand Forks or East Grand Forks for a period of two years, violation of this part of the agreement to render him liable in the sum of \$2,000. At the end of four years plaintiff quit defendant's employ and opened up an office of his own. On suit for balance due by plaintiff, defendant alleged the contract and demanded the \$2,000 stipulated damages. HELD: Sections 5928, 5929 and 5930, Compiled Laws of 1913, are controlling. They make void any contract restraining one from the exercise of a lawful profession, trade or business, except as therein provided. This particular contract comes under the fifth subdivision set forth in *U. S. vs. Addiston Co.*, 85 Fed. Rep. 271, in which Judge Taft voiced approval of covenants in partial restraint of trade. Plaintiff was an assistant, servant or agent, and as a contract by such assistant, servant or agent not to compete with his master or employer after the expiration of the time of service was not included in the exceptions specified in Sections 5928, 5929 and 5930, such contract was void.

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### THE WORLD COURT AND THE SENATE

In view of the repeated endorsement of the World Court by the American Bar Association, the party planks in the platforms of both major parties this June in favor of the adherence of the United States to the Court are of especial interest to lawyers. The three protocols, signed by the United States by the authority of the President in 1929, were favorably reported to the Senate by the Foreign Relations Committee on June 1, last, giving added timeliness to a study of the Court question now. When ratified the protocols will complete the adherence of the United States to the Court.

In the opinion both of the administration and of a majority of the Foreign Relations Committee members, and of a great number of bar associations throughout the country—the South Dakota Bar Association endorsed “the adherence of the United States to the Permanent Court of International Justice, with the protocols now before the Senate,” at its annual meeting this past August—the pending protocols fully meet the United States’ reservations, including that on advisory opinions.

Several leading senators on both sides of the aisle have indicated their intention of trying to get the debates on the protocols started early in the session. Unless the debates are begun in December or early in January it may be difficult to reach the record vote before adjournment on March 4. The leaders for the Court should have the support of a considerable number of senators, support which is likely to depend to a degree upon the vigor with which public interest is expressed to the senators, through letters and resolutions, between now and the opening of congress on December 5.

It is reasonable to ask all the senators to help bring about conclusive action this winter (regardless of what their own vote may be on the actual question of ratification) upon this important question of our international policy, which has already hung fire in the Senate for six years in spite of party pledges as long ago as 1924.

Adherence to the Court will commit the United States simply to upholding the principle of applying international law to the settlement of certain classes of international disputes, provided in every case the parties agree to the Court's jurisdiction.—Contributed.

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### BALLOTING VIGOROUS

More than 400 ballots had been returned by the lawyers of the state up to the date of printing this month's issue of Bar Briefs. This is the most satisfactory showing ever made on a Bar referendum. We, of course, do not expect a 100% return of the ballots, but we should like to see the record run to 90%, and, therefore, urge those who have not yet returned the ballots to do so before the expiration of the return date, December 5th.

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### ASSESSMENT PROGRESS

To the date of this month's publication of Bar Briefs, twenty-three attorneys have paid the assessment ordered by the annual meeting for the purpose of furthering the prosecution of cases against unauthorized practitioners. This number is less than 4% of the membership of the State Bar. The Committee on Unauthorized Practice might be interested in knowing if this means lack of interest or financial unpreparedness.

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### NOTICE TO STRIKE

We are informed by the Secretary of the State Bar Board that the last request for payment of 1932 license fees has gone out, and that the names of those failing to comply before December 1st will be certified to the Court for appropriate action. The appropriate action, we are informed, means striking the names from the list of those qualified to practice.

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### WE BLUSH

*Ohl & Co. vs. Iron Works*, 57 Fed. 2nd Series 44 records that signing a bill of exceptions with initials of the Judge was insufficient to satisfy the Act of Congress, which specifies authentication to be sufficient "if signed by the judge." We agree with the reporter of the case that "decisions of this kind make the law ridiculous in the eyes of litigants and the public, and the courts ought to understand this and avoid raising such issues."

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### COLLECTION NOTICES

A recent issue of Bar Briefs carried samples of the collection slips ordered by the annual meeting. These are available to the lawyers of the State, free of charge, upon application to the Secretary. The best method to make them readily available will be for local Bar secretaries to write for a supply.