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The plaintiff's right of action may also be barred by laches.⁵³ The general rule is that a party who seeks to enforce such a contract must show that it is reasonable. But if the contract upon its face shows that it is reasonable and the defendant seeks to avoid it by some extrinsic matter which renders it illegal, the burden is upon him to establish such illegality as in other cases where the illegality of a contract is set up as a defense to a contract valid on its face, by clear and satisfactory evidence.⁵⁴ However, the plaintiff may be entitled to injunctive relief though he is able to prove only nominal damages.⁵⁵ Valid contracts in restraint of trade may be assigned.⁵⁶

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⁵³ Smith v. Brown, 164 Mass. 584.

⁵⁴ Merriman v. Cover et al, 104 Va. 428; Knapp v. Adams Co., 135 Fed. 1008; Refractories Co. v. Stanton, 227 Pa. 55.

⁵⁵ Brown v. Kling, 101 Cal. 295.

⁵⁶ Anders v. Gardner, 151 N. Car. 604.

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