
CHAPTER 5
PROMISES OF MARRIAGE LAW

To abolish the power of the courts to order the specific performance of promises and contracts of marriage, and to provide another remedy for the breach thereof.

(28th June, 1834)*

Enacted by PROCLAMATION No. VI of 1834.

1. This Proclamation may be cited as the Promises of Marriage Law. Short title.
2. No court in Malta shall have jurisdiction, power, or authority, to compel, adjudge, decree or order any person specifically to perform or complete any promise of marriage made to another, or any contract or agreement entered into with another for the solemnization of marriage. Courts not to have power to order specific performance of promises of marriage.
3. (1) Nevertheless, if any person competent by law to enter into obligations, or any person who is not so competent from being under paternal or other lawful authority or limitation, but who acts with the consent duly granted of the person or persons in whom such authority is legally vested, shall make or enter into any such promise, contract, or agreement as hereinbefore mentioned, and shall wilfully and unlawfully commit a breach thereof, or shall, after making or entering into such promise, contract, or agreement, have unlawfully refused to perform the same within a reasonable time, after request made, (of the reasonableness of which time the court shall be the competent judge), the party injured shall be entitled to maintain an action for damages against the party guilty of such breach or non-performance, in such manner, and subject to the same rules, as are by law prescribed, for the recovery of damages for the breach of any other promise, contract, or agreement. Action for damages.
 - (2) In any such action the party injured shall be entitled to recover, over and above and in addition to such damages and costs as may have been actually suffered and be due, according to law, such a reasonable sum of money, in compensation for the injury suffered, as to the court in its discretion, having regard to the character and station in life of the parties as well as to all other circumstances of the case, shall seem meet, and as the court on the trial of the cause, shall award and assess.
 - (3) An appeal shall lie from any decision of the court in the same manner and subject to the same rules as are by law prescribed in regard to appeals from judgments or decrees relating to a breach of any other promise, contract, or agreement.

*Published on the 2nd of July, 1834, Government Gazette No.1224.