

Impliedly, as if a Reversion be granted to two by Deed, and the Lessee attorn to one of them according to the Grant, this Attornment is good, but not to vest the Reversion only in him to whom Attornment is made, but it shall enure to both the Grantees, for that is according to the Grant, and for that it cannot vest the Reversion only in him to whom the Attornment is made. And so it is if one Grantee dieth, the Attornment to the Survivor is good. Ante 52. a. 297. b.

If the Lord grant by Deed his Seignior to A. for Life, the Remainder to B. in Fee, A. dieth, and then the Tenant attorn to B. this Attornment is void, because it is not according to the Grant; for then B. should have a Remainder without any particular Estate. 11 H. 7. 12.

If a Reversion be granted to a Man and a Woman, they are to have Jointies in Law; but if they intermarry, and then Attornment is had, they shall have no Jointies, (and yet by the Purport of the Grant they are to have Jointies) because it is by Act in Law. Pl. Com. 483.

If a Feme grant a Reversion to a Man in Fee, and marry with the Grantee, the Lessee attorn to the Husband, this is a good Attornment in Law to the Husband. 2 R. 2. tit. Attornment 8.

If a Reversion be granted by Deed to the Use of J. S. and the Lessee hearing the Deed read, or having Notice of the Contents thereof, attorn to Cestuy que use, this is an implied Attornment to the Grantee. 1 Leon. 58.

If a Reversion be granted for Life, the Remainder in Tail, the Remainder in Fee, the Attornment to the Grantee for Life shall enure to them in the Remainder to vest the Remainder in them. Temps E. 1. Attorn. 22.

And in those Cases, if the Tenant should say, that I do attorn to the Grantee for Life, but that it shall not benefit any of them in Remainder after his Death, yet the Attornment is good to them all; for having attorned to the Tenant for Life, the Law, which he cannot controul, doth vest all in the Remainder. And of this more shall be said hereafter in this Chapter. 18 E. 4. 7.

Littleton here putteth five Examples of an express Attornment; but of them the last is the best, because the Ear is not only a Witness of the Words, but the Eye of the Delivery of the Penny, &c. and so there is dictum & factum. And any other Words which import an Agreement or Assent to the Grant, do amount to an Attornment. And albeit these five express Attornments be all set down by Littleton, to be made to the Person of the Grantee; [a] yet an Attornment in the Absence of the Grantee is sufficient; for if he doth agree to the Grant either in his Presence or in his Absence, it is sufficient. 6 Co. 63.

[a] 28 H. 8. tit. Attornment. Br. 40.
Cro. Car. 440.
Dyer 298. a.

Sect. 552.

Item si le Seignior grant le service de son tenant a un home, & puis per un fait portant un darreine date, il granta mesmes les services a un autre, & le tenant attorne a le second grantee, ore le dit grantee ad les services, & comt que apres le Tenant voille attorne a le primer grantee, cest clerement void, &c.

ALSO if the Lord grant the Service of his Tenant to one Man, and after by his Deed bearing a later Date he grant the same Services to another, and the Tenant attorn to the second Grantee, now the said Grantee hath the Services; and albeit afterwards the Tenant will attorn to the first Grantee, this is clearly void, &c.

There is to be observed that Littleton expresseth not what Estate is granted, and very materially; for if the former Grant were in Fee, and the later Grant were for Life, and the Tenant doth first attorn to the second Grantee, he cannot after attorn to the first Grantee, to make the Fee-simple pass, for that should not be according to the Grant; but in that Case the Attornment to the first is countermanded. And so it is if a Reversion expectant upon an Estate for Life be granted to another in Fee, and after the Grantor before Attornment confirm the Estate of the Lessee in Tail, the Attornment to the Grantee for the Fee-simple is void. 1 Co. 122.

Cro. Car. 284.

In the same manner, if the Reversion upon an Estate for Years be granted in Fee, and the Lessor confirm the Estate of the Lessee for Life, he cannot afterward attorn.