



**THE ATTORNEY GENERAL
OF TEXAS**

AUSTIN 11, TEXAS

**WILL WILSON
ATTORNEY GENERAL**

January 8, 1958

General Earl Rudder
Commissioner
General Land Office
Austin 14, Texas

Opinion No. WW-337

Re: Whether final judgment cancelling land transactions under the Veterans Land Program restored rights of veterans involved to participate in said program.

Dear Sir:

The State of Texas brought suit to set aside the purchase and sale under the Veterans Land Program of a block of land in Zavala County because of certain fraudulent misrepresentations allegedly made by the promoters to the State and to some of the veteran purchasers. All veteran purchasers of land in the block were made parties defendant to the State's suit, and the final judgment therein provided that the State recover judgment "rescinding and holding void and of no force and effect from the beginning" the various applications, contracts and deeds by which the Veterans Land transactions in question were consummated. The judgment further provided that all right, title and interest in the lands involved were divested out of the defendants and vested in the original owners "in fee simple as if said title had never passed out of said defendants". Your letter requests our opinion as to whether such judgment restores the rights of the various veteran defendants in said suit to participate in the Veterans Land Program.

Section 13 of the Veterans Land Act, Article 5421m, V.C.S., provides that "no veteran shall be permitted by the Board to purchase more than one (1) tract of land under this Act; and once such veteran has obtained the benefits to be derived hereunder, he will not be permitted to apply again for such benefits".

We think it clear that the evident intent of the judgment aforesaid was to effect a cancellation of the original land transactions at the instance of the State. In declaring same to be void from the beginning, we think the court intended that the veterans involved should be in the same position as if the transactions in question had never occurred.

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"That which is void is without vitality or legal effect." Slaughter v. Qualls, 139 Tex. 340, 162 S.W.2d 671, 674 (1942). That being true, the veterans involved are considered as never having made the purchases in question, and they are therefore privileged to participate in the Veterans Land Program the same as if such events had never occurred. We answer your question in the affirmative.

SUMMARY

A final judgment of the court cancelling a Veterans Land transaction and providing that same was void from the beginning restores the right of the veterans involved to participate in the program.

Very truly yours,

WILL WILSON
Attorney General of Texas

By *J. Arthur Sandlin (JAS)*
J. Arthur Sandlin
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APPROVED:

OPINION COMMITTEE:

Geo. P. Blackburn, Chairman
W. V. Geppert
Milton Richardson
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REVIEWED FOR THE ATTORNEY GENERAL
BY:

James N. Ludlum