

LAW LINK



Your questions

If you have a legal query that you would like answered you can email lawlink@alexoneill.ie or send your query to Alex O'Neill Solicitors, 22 Barrington Street, Limerick. The column is a reader's service and is not intended to replace professional advice. No individual correspondence will be entered into.

DID HE WIN THE LOTTO?

Q. I have been in a lotto syndicate with three other co-workers for the past five years. Each week, the other three members give me money to buy the tickets on behalf of everyone. One of my mates would be in arrears from time to time but ultimately would pay up what was owed by him. Two weeks ago, we won €1,500 and because Joë had not paid up, my co-workers feel he is not entitled to any portion of the winnings. Are there any laws relating to how we decide if he is entitled to a portion of the shares?

Dear Reader,

A. At present there are no rules in relation to syndicates and their membership. It also doesn't help matters that the National Lottery themselves have no guidelines as to how a syndicate should be set up or run. In 2008, a High Court case Horan -v- O'Reilly dealt with issues very similar to your scenario. The winnings amounted to £1,577,578. In that case Mr O'Reilly argued that Mr. Horan had not paid the money due and was not entitled to any winnings. The court ruled that although Mr. Horan was in arrears at the time of the purchase of the winning lotto ticket, he was part of the syndicate, as a practice had grown up throughout the years whereby Mr. Horan would be in arrears but would ultimately pay up. Therefore some kind of practice and procedure had been laid down between the parties.

The matter was taken to the Supreme Court who held that Mr. Horan was not a party to the syndicate on the basis that if the parties agreed to vary their original agreement to the extent that Mr. Horan would remain in the syndicate then that variation would have to be agreed by all parties. He found that the person who purchased the ticket may have agreed to vary the agreed terms but he could not purport to agree a variation for the others so Mr. Horan was not entitled to share the winnings.

The differing views of the High Court and the Supreme Court highlight the complexities and confusion that surrounds syndicate agreements so anyone involved in a lotto syndicate should have a written agreement in place.

In your case, in the absence of a syndicate agreement, you should examine if the other syndicate members agreed that your colleague could be in arrears. Was it custom and practice for him to pay his arrears from time to time? If all parties agreed and acquiesced in this, then your colleague may be entitled to the money. Your intentions at the time of the purchase of the lotto ticket as well as the intention of your colleagues, at the time would help to form a decision in the matter.

HISTORY

When German war trophies were displayed in Limerick

by Tadgh Moloney
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ON Easter Monday, April 24, 1916, a group comprising of members of the Irish Volunteers, Hibernian Rifles and Irish Citizen Army took possession of the General Post Office in Dublin, starting what became known as the Easter Rising which and lasted until Saturday, April 29, 1916 when they surrendered unconditionally.

From the steps in front of the building, their leader, Patrick Pearse, read a document that was to be called the 1916 Proclamation which referred to "their gallant allies in Europe" who were, of course, the Germans.

Germany was well aware of what was happening in Ireland. They had sent a ship loaded with guns and ammunition but failed to land them.

Shortly after the end of the rebellion, the "gallant allies in Europe", very much aware there were Irishmen serving in the British army, decided to test their loyalty in the belief there was a strong possibility they would not only revolt but also desert in the light of the disturbances back home.

However, they were badly mistaken in this belief.

In early May, in the Hulloch sector, near Lens in Northern France, where the 8th (Service) Battalion of the Royal Munster Fusiliers were in the front line trenches, the Germans tauntingly placed two placards on top of their trenches.

One read "Irishmen! Heavy uproar in Ireland. English guns are firing at your wives and children! May 1st 1916".

The second read "Interesting War News of April 29th 1916. Kut-el-Amara has been taken in by the Turks and the whole English army therein - 13,000 men - taken prisoners".

In response to this, the men of the battalion sang the English national anthem 'God Save The King' and then delivered an exceptionally strong fusillade of bullets into the German lines.

The 9th Battalion of the Munsters, which consisted mainly of Cork men,



The scene at Hulluch depicted by a war artist for the Illustrated London News.



Major Larry Roche

placed an effigy of Roger Casement on top of their trench, which annoyed the Germans to such an extent that they shot it to pieces.

Major Laurence (Larry) Roche, who was from Dromin, County Limerick, decided to carry out a raid on the German trenches and retrieve

the placards. This was achieved with great success by a raiding party under the command of Lieutenant Biggane from Cork, ably assisted by Lance Corporal Kemp from Waterford.

Before being presented to King George V in London on July 25, the placards were put on display with other German war trophies in a shop owned by W. M. Kidd, at 49, George street (now O'Connell Street), Limerick.

This was done with an ulterior motive in mind. By displaying the placards in Limerick, the authorities hoped that it would encourage recruitment.

The placards are now held at the Imperial War Museum in London.

The placard referring to the 'Uproar in Ireland' is currently on temporary loan to the National Museum, Collins Barracks, Dublin, where it may be viewed as part of the 1916 collection.

The 8th Battalion was raised under Army Order 352 of September 11, 1914 at Buttevant Barracks and

became part of the 47th Infantry Brigade of the 16th (Irish) Division, under the command of Lieut-General Parsons initially and then Major-General Sir William Bernard Hickie.

It comprised of men recruited mainly from Limerick City and County and was the only regular or service battalion of the regiment where Limerick soldiers outnumbered those from the more populous county of Cork.

The battalion trained at Buttevant, Fermoy, Mitchelstown, Kilworth Camp and Templemore before moving to England. The men shipped out to France on December 17, 1915 and arrived at Le Havre on board the 'Empress Queen' the next day.

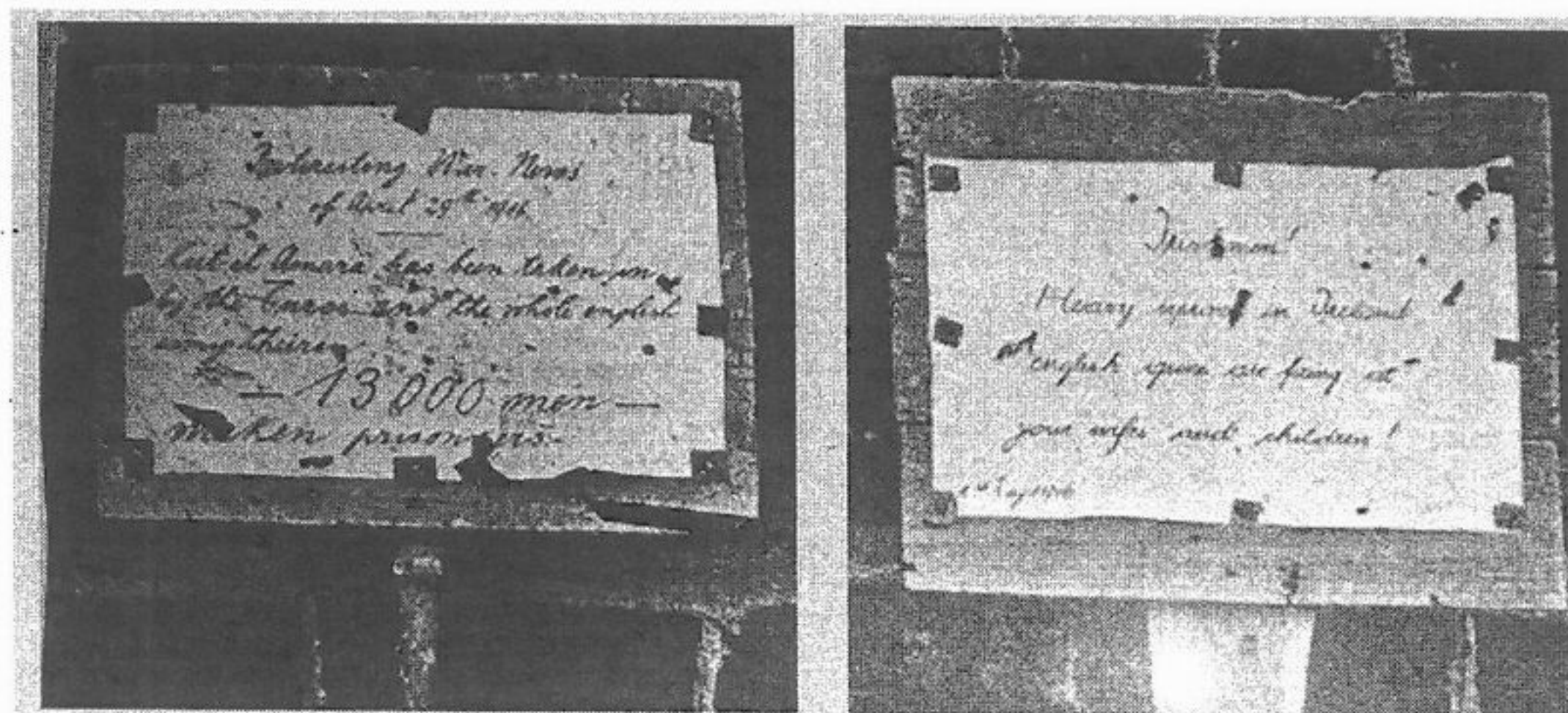
Around the period of time that the placards were captured, and to further highlight the Limerick connection, the nuns of the Good Shepherd Convent in the city made a religious banner depicting the Sacred Heart, which was subscribed for by public donation of not more than one shilling per person.

It was then sent to the battalion where Major Larry Roche, who was delighted that the people from his home county had sent the banner, wrote that 'the banner so kindly sent by the good people of Limerick was greatly admired by all that Limerick muscle and brains would yet make the Hun regret their attacks which were considered to be barbarous and furious on civilisation'.

The banner was found at Major Roche's home at Dromin and was displayed in Kilmallock museum where it can be seen to this day.

The battalion also participated in the battles of Guillemont and Ginchy during September 1916 and was absorbed by the 1st Battalion Royal Munster Fusiliers on November 23, 1916.

Following the establishment of the Irish Free State, the Royal Munster Fusiliers ceased to exist, having been disbanded on July 31, 1922.



German placards captured by the 8th Battalion, May 10th 1916.