

Sheriff outlaws an 'aye' for an 'aye' in war of words

A Scottish sheriff who reprimanded two defendants for saying "aye" instead of "yes" has himself been rebuked by fellow Scots.

Sheriff Irvine Smith first objected when a 20-year-old defendant was asked by the court clerk if her name was Catherine Maher. She said "aye".

The sheriff asked: "Do you speak English? If you think 'aye' in Scots means 'yes' in English, then it does not."

Maher, of Stirling, appearing for not paying a £40 fine, replied "yes" to his questions. She was jailed for seven days.

Later, a man accused of not paying a £75 fine also replied "aye" when asked if he was Kevin White. The sheriff told him he must reply in English. White, 20, of Fallin, near Stirling, said: "I'm Scottish, sir."

The sheriff said: "'Aye' does not mean 'yes' in Scottish."

White replied: "That's the way I've been brought up."

Sheriff Smith said: "We've already been through this: 'Aye' does not mean 'yes'."

Asked by the sheriff if he was familiar with Burns' ballad "Ay Waukin, O", White said he had not read the Scots bard.

Sheriff Smith, a Burns scholar who speaks at Burns suppers in many countries, quoted the chorus "Ay waukin o, waukin still and weary; sleep I can get nane, for thinking for my dearie".

The sheriff said the Scots bard had never used "aye" when he meant "yes". When White's name was put to him again, he said "aye" before quickly changing his answer to "yes".

Glowering at White over his gold-rimmed spectacles, the sheriff asked him: "Are you trying to be insolent?" White said he was not.

White was jailed for seven days for non-payment of the fine.

Sheriff Smith has said: "The point I was trying to make was that 'aye' as used by Burns, and in much Scottish verse, means always."

It was the second time that a Shropshire sheriff had taken exception to the use of the word "aye". Last December Sheriff James Nolan was criticised for jailing a youth for 90 minutes for using "aye" instead of "yes" in similar circumstances.

The Scottish National Dictionary states when Burns used "aye" he meant "always". Billy Kay, author of *Scots: The Mither Tongue*, said: "What a sad country we are, that people can be discriminated against for using their own language. It's not just Scots who use 'aye' to reply in the affirmative. It's used in the navy with 'aye, aye, sir'."

Iseabail Macleod, editorial director of the Scottish National Dictionary, said: "This is just appalling. It's the normal way in Scotland of expressing an answer in the affirmative."

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