

2025

No. 8829116, 8829126,
8829128, 8829130

Provincial Court of Nova Scotia

Between:

HIS MAJESTY THE KING

and

CONNOR PAUL and SCOTT PAUL

AFFIDAVIT OF ALBERT MARSHALL SR.

I, Albert Marshall Sr., Mi'kmaw citizen, residing at 14 Noel St. in the community of Eskasoni, Unama'ki (Cape Breton) in the unceded lands of Mi'kma'ki, **MAKE OATH AND SAY AS FOLLOWS:**

Introduction

1. I have personal knowledge of the evidence sworn to in this affidavit except where otherwise stated to be based on information and belief.
2. I state, in this affidavit, the source of any information that is not based on my own personal knowledge, and I state my belief of the source.
3. I make this affidavit in support of the constitutional question raised by Connor Paul regarding the right of Mi'kmaq people to be represented in court by their traditional Elders, including Chief Delbert Riley.

Personal Background

4. I am a Mi'kmaw Elder of the Moose Clan of the Mi'kmaw Nation and reside in the community of Eskasoni First Nation, in Unama'ki (Cape Breton), Nova Scotia.

5. I was born in 1938 in Eskasoni. As a young child, I was forcibly taken from my family and sent to the Shubenacadie Indian Residential School. This experience profoundly shaped my life and deepened my commitment to reconnecting with and revitalizing the Mi'kmaw culture and language from which I was separated.
6. I am a fluent Mi'kmaw speaker and have worked throughout my life to promote cross-cultural understanding, healing, and environmental stewardship rooted in Mi'kmaw traditional knowledge and values.
7. I am married to the late Murdena Marshall, and together we have six children and many grandchildren and great-grandchildren.

Work as an Elder and Advocate

8. I have served as the "designated voice" for the Mi'kmaw Elders of Unama'ki in relation to environmental issues and have been actively involved in numerous community and national initiatives that incorporate Indigenous knowledge systems into public discourse, education, research, and policy-making.
9. I am known nationally and internationally for my promotion of the guiding principle of *Etuaptmumk*, or *Two-Eyed Seeing*, which encourages the use of both Indigenous and Western knowledge systems in a cooperative and respectful manner.
10. My work has included collaborations with Cape Breton University, Nova Scotia Community College, the Unama'ki Institute of Natural Resources, the Collaborative Environmental Planning Initiative, and the National Collaborating Centre for Aboriginal Health. I have also participated in numerous advisory and governance bodies.

Recognition of Elders in Mi'kmaw Custom

11. In Mi'kmaw society, Elders play a central and sacred role in guiding individuals and communities, particularly in matters of conflict, justice, healing, and governance.
12. It is a long-standing Mi'kmaw custom and convention to seek out the guidance, support, and representation of respected Elders when dealing with important or difficult matters, including those before the courts. This is rooted in our legal traditions and the collective respect given to wisdom acquired through lived experience, cultural knowledge, and community leadership.
13. The presence of Elders in matters involving Mi'kmaw individuals is not ceremonial – it is essential. Our Elders serve as interpreters of Mi'kmaw law, morality, and protocols, and they guide the younger generations in resolving disputes in ways that restore balance and harmony.
14. In the Mi'kmaw way, an Elder who is known to have fought for the people, to have preserved knowledge, and to have lived with integrity and humility, holds a position of high trust. It is not uncommon, and indeed it is respected, for such an Elder to be

asked to speak on behalf of a community member in settings such as courtrooms, in accordance with our customary law.

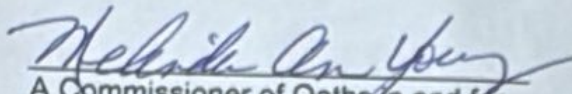
Views on Chief Del Riley

15. I have known and met Chief Delbert Riley on numerous occasions over the past several decades. I am well acquainted with Chief Riley's long record of advocacy and leadership in defence of Aboriginal and treaty rights.
16. Chief Riley is a respected and reputable Elder statesman who has dedicated more than sixty years to the advancement of Indigenous rights, languages, and governance systems.
17. His role as a representative and advisor to Mi'kmaw individuals who are asserting their constitutionally protected Aboriginal and treaty rights is consistent with Mi'kmaw legal tradition and custom.
18. In my view, it is appropriate and in keeping with Mi'kmaw legal traditions for Chief Riley to act as a spokesperson or representative in the courts for those who seek his guidance.

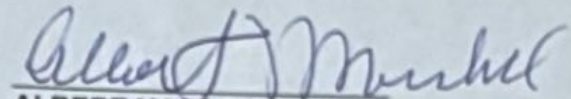
Importance of Elder Representation in Legal Proceedings

19. The Canadian courts have begun to recognize the importance of Indigenous legal traditions and the necessity of engaging in genuine reconciliation as envisioned in the Truth and Reconciliation Commission's Calls to Action and the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), now affirmed in Canadian law.
20. Respect for Mi'kmaw legal traditions, including the right of individuals to be represented by an Elder in legal proceedings, is a necessary step toward restoring justice for Indigenous peoples within Canada.
21. In the case of Mr. Connor Paul and other Mi'kmaw individuals exercising constitutionally protected rights, the denial of the ability to be represented by a qualified and knowledgeable Elder, such as Chief Riley, would amount to a serious infringement on Mi'kmaw custom and the right to fully and effectively participate in the legal process.
22. I believe it is both culturally appropriate and legally necessary to allow respected Elders to act in representative capacities in legal proceedings that concern the rights, freedoms, and responsibilities of Indigenous individuals and Nations.

SWORN TO/AFFIRMED at
ESKASONI, in the County of
Cape Breton, Province of Nova,
Scotia this 31 day of July,
2025 before me:


A Commissioner of Oaths in and for
the Province of Nova Scotia

Melinda Ann Young
A Commissioner of the
Supreme Court of Nova Scotia


ALBERT MARSHALL SR.