



The Crow's Nest

NEWSLETTER OF THE FERNDALE HISTORICAL SOCIETY

Fall 2011

THE FERNDALE COURT AND A CONTROVERSY: A PERSPECTIVE ON LOCAL HISTORY

Chris Hammer

The first Justice of the Peace in the new Village of Ferndale, 1918, was T. Frank Hooley, a lawyer as well as a real estate and insurance agent, whose business office was in a small frame building on the northeast corner of Woodward at Nine Mile (present site of Como's). Justice Hooley's court, Ferndale's first, was on the northeast corner of Bermuda at E. Nine Mile, in a room in Elmer Knowles' farmhouse, which the Village rented for city offices.

In 1929, lawyer Earl Nash was voted an Associate Justice of the Peace and the court moved to rented city offices on the top floor of the newly built C. H. Harrison Building (present Ferndale Center Bldg., southeast corner of Woodward/Nine). By the mid-1930s, Judge Nash and his court had moved to the vacated American State Bank branch, Woodward at Bennett—the location of the court under Judge Nash's jurisdiction for the next thirty-some years. By the 1960s, controversy was to intervene.

Elections in Ferndale have always been contentious. But few have been the subjects of litigation, and fewer still are decided at an emergency Saturday session of the Michigan Court of Appeals. That is just what happened in 1965, when a candidate for the Ferndale Municipal Judge position successfully removed Judge Nash's name from the ballot when Nash sought a ninth term.

The story of this lawsuit began four years earlier when, in 1961, Michigan voters approved the holding of a convention to revise the state constitution. The 144 elected delegates to the constitutional convention—including Coleman Young, George Romney, Richard Austin, and Ferndale's two elected representatives, Arthur D. Elliott, Jr., of Pleasant Ridge and Lee Walker of Madison Heights—convened in Lansing for ten months in 1961 and 1962 and presented their proposed constitution to the voters for approval.

In April 1963, Michigan voters narrowly adopted the new constitution by a vote of 810,860 to 803,436. The constitution took effect on January 1, 1964. Included in the constitution were several new provisions dealing with the state courts system. First, the new constitution created the Court of Appeals to handle the growing number of appeals from trial courts. Additionally, while the new constitution reaffirmed the popular election of judges, it also added a new qualification for judges standing for election. Article 6, Section 19 provided: "No person shall be elected or appointed to a judicial office after reaching the age of 70 years."

At the time of Michigan's new constitution, Ferndale was served by a municipal court system that included one municipal judge, Judge Nash, and one associate judge. The municipal court handled "all claims up to \$500, all city ordinance violations, and all arraignments for crimes committed in Ferndale under state statute."

Municipal Judge Earl N. Nash (1891-1971) was one of Ferndale's first residents, arriving in 1921 to start a law practice with Calvin N. Smith and David Pence. After serving as an assistant prosecutor for Oakland County and on the Oakland County Board of Supervisors, the voters of Ferndale had elected Nash as Associate Justice of the Peace in 1929 and, four years later, Justice of the Peace (a title that was later renamed Municipal Judge). In all, the voters of Ferndale elected Judge Nash to eight four-year terms as Justice of the Peace and Municipal Judge. Judge Nash filed his paperwork to run for a ninth term as Ferndale's Municipal Judge in the primary election, to be held February 15, 1965. However, he was 73 years old at the time, and Michigan's new constitution contained the added provision that no judicial officer could be elected to office upon reaching 70 years of age (a provision that remains to this day). *(Continued Page 2)*



T. Frank Hooley, 1919
First Justice of the Peace
Museum Archives



First "Courthouse" (farmhouse room) mid-1920s
East Nine Mile & Bermuda
Museum Archives



Earl N. Nash
Ferndale Judge 1929-1965
Museum Archives



Montague Hunt
Ferndale Municipal District Judge
1965 - mid 1970s
Ferndale Gazette

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As a result, one of Judge Nash's challengers in the primary election, Darrell R. Hackett, filed an emergency lawsuit in Oakland Circuit Court against Judge Nash and the Ferndale City Clerk to prevent the clerk from placing Judge Nash's name on the ballot.¹

Oakland Circuit Court Judge Stanton Dondero ruled that Judge Nash could be listed on the ballot even though he was more than 70 years old.² On February 9, 1965, six days before the election, Hackett submitted to the newly-formed Court of Appeals an emergency appeal of Judge Dondero's decision. In an unprecedented Saturday session, held on February 13, the Court granted the appeal and overturned the lower court's decision, ruling that the age limitation applied in this case and, therefore, Judge Nash could not appear on the ballot.³

In the end, the absence of Judge Nash on the ballot did not help Darrell Hackett become Judge Nash's successor. In the February 15, 1965 primary election, Hackett finished third behind Oakland County Assistant Prosecutor Montague R. Hunt and Ferndale City Commissioner Henry Schiffer.⁴ In the April 1965 general election, Hunt defeated Schiffer by a margin of nearly 400 votes to become Ferndale's new municipal judge.⁵

Judge Montague Hunt (1927-2002) took office on July 1, 1965. He served the people of Ferndale for over a decade, first as municipal judge and later as Ferndale's first district judge, after the 43rd District Court consolidated the municipal courts of Ferndale, Madison Heights, and Hazel Park.⁶ During his time on the bench, Judge Hunt created probation programs for juvenile offenders that involved volunteer "big brother" or "big sister" sponsors meeting with the probationer once a week. Judge Hunt explained that this program would "help [the probationer] out of his current problems and . . . supervise [him] so he gets into no further trouble."⁷ By 1969, this probation program had almost 100 volunteers and a hired director, Ferndale High School Athletic Director Gus Hanson.⁸

In 1970, the Ferndale City Commission purchased the current site of the 43rd District Court, at 305 East Nine Mile, for \$104,015.⁹ The Ferndale division of the court has operated in this building, a former mattress store, since the opening of the 43rd District Court, January 1, 1971.

The move from the municipal court system to the district court system culminated six years of drastic changes in Ferndale's local courts: litigation that resulted in the forced retirement of Ferndale's longtime municipal judge, a newly elected municipal judge, the purchase of the current court building, and the formation of the 43rd District Court. Today, the 43rd District Court consists of three judges sitting in Ferndale, Hazel Park, and Madison Heights, and includes Judge Joseph Longo, who now presides in Ferndale's district court building.

Ferndale's court system has prevailed for some 93 years. But noting its varying locations, composition, and personnel starkly reveals how far removed the city is today from the time of Justice of the Peace T. Frank Hooley, his combination law/real estate/insurance office, and his tiny courtroom in a rented farmhouse on a Nine Mile that was still a dirt road.

¹ Michigan Manual, 1975-1976 edition, pp. 88-90. "Republican Victories Decisive," Ferndale Gazette, September 14, 1961, p. 1. ² Michigan Manual, 1975-1976 edition, p. 90. ³ Michigan Manual, 1975-1976 edition, p. 58. ⁴ This is Ferndale, p. 27. ⁵ This is Ferndale, p. 23. ⁶ "When You Want the Lowdown On Boss, Ask His Secretary," Ferndale Gazette, Sept. 29, 1955, p. 4. "City Flags Fly Half Mast for Judge Nash," Ferndale Gazette, April 15, 1971, p. 15. ⁷ "Hackett Sues on Age Ruling," Ferndale Gazette, January 28, 1965, p. 1. ⁸ "Hackett to Appeal Dondero's Decision," Ferndale Gazette, February 11, 1965, p. 1. ⁹ "Hackett Clarifies Appeals Decisions," Ferndale Gazette, February 18, 1965, p. 1. Hackett v Ferndale City Clerk, Michigan Appeals Reports, vol. 1, p. 6 (1965). ¹⁰ "Proposals Pass; Holman Dropped," Ferndale Gazette, February 18, 1965, p. 1. ¹¹ "How Did Your Precinct Vote?" Ferndale Gazette, April 8, 1965, p. 1. ¹² "District Judges," Ferndale Gazette, January 7, 1971, p. 7. ¹³ "Hunt Starts Probation Plan," Ferndale Gazette, January 13, 1966, p. 1. ¹⁴ "District Court System Would Mean Change," Ferndale Gazette, August 21, 1969, pp. 1-2. ¹⁵ "Purchase site for District Court facility," Ferndale Gazette, October 29, 1970, p. 1. Additional source consulted: Maurice Cole, Ferndale of Yesteryear, Ferndale Historical Society, 1971.



Ferndale Courthouse
ca 1931 - mid 1930s
Harrison Bldg. (top floor)
Woodward and Nine Mile

Architectural rendering, Museum Archives



City Offices and Courthouse
mid 1930s - 1970
Woodward and Bennett
Museum Archives



43rd District Court
1971 - Present
305 East Nine Mile
Ferndale Gazette

FERNDALE HEADLINES, 1936

Traffic Snarled for Four Days at Nine Mile Road

Traffic lights on Woodward Avenue, through Ferndale, are a menace to safety. And they have not helped traffic one iota.

Since the installation of the traffic-controlled lights not only has traffic been slowed up and congested but accidents have been on the upgrade. The most recent was the case of the lights at Nine Mile road and Woodward going jittery.

After an automobile had bowled through the lights and torn down the lamp post on the southwest corner, the lights continued to function for a time. Then they started flashing red to yellow to green and back again every 10 seconds. Traffic condition[s] went from bad to worse. The state highway aides ignored the frantic pleas of City Manager Jay Gibbs to relieve the situation.

After four days of the rankest disorder in years, the lights were repaired. But the traffic situation so far as Ferndale residents are concerned has not been rectified. You still can't cross from either side of the city without risking your life. The consensus of drivers here seems to be that there are too many lights and they have slowed traffic to a cow-walk instead of sending it along in a steady 35 mile stream.

Autos approaching Woodward Avenue from side streets create a mess. They tie up Woodward traffic and cause numerous bumped fenders. Playful boys and girls have been having a picnic jumping up and down on the rubber pads [controlling the lights], stopping traffic "for the fun of the thing" and causing plenty of worries for the driver hurrying to work or the business man keeping an appointment.

Summarized from the *Ferndale Gazette*, January 2, 1936

Marihuana Cigarette Menace to Youth, Narcotic Man Says

Marihuana smoking, almost unknown in Michigan five years ago, has spread so rapidly that the drug has become a serious menace, particularly among youthful lawbreakers.

Bootleggers of this dangerous narcotic plant have found that it can be grown in the Michigan climate, thus greatly increasing the danger of widespread addiction in the State, declares Inspector Edward W. Kunath, head of the University of Michigan.

The drug, also known as loco weed, muggles, Indian hay, Indian hemp, hasheesh, laughing tobacco and reefers, is dried and rolled into cigarettes, selling from five to twenty-five cents apiece.

Marihuana produces a wide variety of symptoms in the user, including hilarity, swooning, and sexual excitement. A particularly dangerous phase of this drug problem, especially for girls, is the fact that the buyer must usually come in contact with the lowest type of criminals, among whom the marihuana addict is often persuaded to take up the morphine or opium habits.

Despite the vicious effects of marihuana, only 17 states have laws against it and its control is not yet included under the federal Harrison narcotic act.

Summarized from the *Ferndale Gazette*, January 9, 1936

FERNDALE'S FIRST DREAM CRUISE



Woodward in Ferndale, ca 1920 (road surface was oiled gravel)

Museum Archives

MEMORABLE MOMENTS, 1910-1960*

- 1910** The small marsh along Livernois south of Nine Mile Rd. is drained. The Hubbard Marsh went from Eight Mile to 11 Mile roads. A beaver dam was just south of 10 Mile Rd.
- 1912** A narrow strip of pavement is laid from Detroit to Royal Oak on Woodward Avenue.
- 1917** The first church in Ferndale, St. Paul's Methodist Church, established at Nine Mile/ Bermuda.
- 1917** A Baptist church is established on Nine Mile west of Woodward.
- 1917** Ridgewood School opens at Eight Mile Rd. and Stratford. The site is now part of westbound Eight Mile.
- 1917** A new charter commission is established.
- 1918** Ferndale is incorporated as a village. Lovell G. Turnbull becomes first village president. .
- 1918** Henry Mills, village marshal, logs 22 traffic arrests in 4 days when village buys him a gun, handcuffs and motorcycle.
- 1919** St. James Catholic Church founded at Woodward/ Hazelhurst; a new Methodist church is established at Woodward/Leroy.
- 1919** Nine Mile ditch cleared. Cinders are laid to smooth Ridge Rd. from Eight Mile to Nine Mile.
- 1919** Ferndale employs two mounted police officers because the roads are so congested that police cars are not efficient.
- 1920** Ferndale appears in "Ripley's Believe It or Not": more children per capita than any other town in the nation the same size.
- 1920** Ardmore Hospital founded.
- 1920** Owner of Ferndale Lumber and Supply, on Nine Mile, buys a yoke of oxen to make deliveries because the roads are so bad.
- 1920** Saginaw Trail is renamed Pinecrest. [Pinecrest has had five names in its history.]
- 1920** "The Crow's Nest" erected, Nine Mile/Woodward, where policeman sits to direct traffic. Replaced in 1928 with electric traffic signals.
- 1921** Lincoln High School is built on Nine Mile.
- 1921** Village Commission recall election: incumbents are thrown out of office. L.O. Berry, a Woodward Ave. grocer, becomes Village President.
- 1922** St. Luke's Episcopal Church is founded on Livernois.
- 1923** The *Ferndale Gazette* founded.
- 1924** Concrete is poured at Woodward and Eight Mile for a new road.
- 1924** St. James School is founded.
- 1924** Drayton Avenue Presbyterian Church built.
- 1927** Ferndale residents vote to become a city.
- 1928** Woodward widened to eight lanes, solidifying its reputation as the first superhighway in the world.
- 1929** City offices move to corner of Woodward/ Nine Mile.
- 1930** Ferndale Public Library opens.
- 1934** To combat a rash of bank robberies, the Ferndale police get a submachine gun.
- 1937** City offices move into the former American State Bank building.
- 1937** New post office building is dedicated on Woodward.
- 1938** Ferndale police and two federal agents harvest and burn 60 stalks of marijuana found growing on Kensington.
- 1940** Ferndale is the first city in the nation where 90 percent of employees are buying war bonds.
- 1942** Ferndale schools rescind a district policy of not hiring married teachers.
- 1943** Officer Glen Silverthorn is sent to remove a rabbit after it invades the city's Victory Garden. The rabbit doesn't take kindly to the officer, kicking him in the head, knocking off his hat and breaking his badge before escaping.
- 1949** Bruce Garbutt is elected mayor. Garbutt serves 10 terms before retiring in 1971.
- 1951** City Commission approves the construction of a new fire station on east side of city.
- 1954** New Ferndale Public Library built on E. Nine Mile.
- 1956** Fire Department headquarters built on Livernois.
- 1958** Ferndale High School built. Lincoln High becomes a junior high school.
- 1960** Ferndale becomes the first school district in the northern United States to become involved in school segregation issues. Federal government orders Ferndale to desegregate the district.

*Sources: Excerpts, some edited and summarized, from Shirley McLellan, "Timeline: Ferndale's first in line in many historical ways," in *The Daily Tribune, Sunday, January 16, 2000*. Additional sources: Maurice Cole, *Ferndale of Yesteryear (FerndaleHistoricalSociety, 1971)*, *passim*.

BOXING AND SCIENCE FICTION IN FERNDALE HISTORY

Ferndale was one of the first Detroit suburbs to owe its early development to auto workers whose life focused almost exclusively on making a living and building a house while employed at Henry Ford's Highland Park assembly plant. Soon a thriving community of residents who had a variety of vocations and avocations evolved. Two especially intriguing figures in this tradition are Billy Peterson (1905-1931), a boxing champ turned firefighter, and Orma McCormick (1906-1988), a housewife and prizewinning poet who wrote science fiction. Both achieved wide acclaim and serve as examples of residents who helped shape the diverse Ferndale of today.



Billy Peterson
Mike Burkart Collection

Billy Peterson, a 1924 graduate of Lincoln High School, a fullback on the school's football team, later played for Oak Cleaners, a professional team. But his career as a boxer began at 17, when he was still a student living at 217 Cambourne. After 12 fights he went to Boston for the 1924 Olympic trials. In 1925 he turned professional and defeated the former light middleweight champ of Michigan, Frank Kelsch. By 1928 he had 135 wins, 60 of them professional, and three losses, two by decision and one by knockout. Meanwhile, in 1926, he had joined the Ferndale Fire Department, immediately becoming a hero after he entered the second story of a burning store, Woodward Heights at Pilgrim, and saved papers worth a \$1,000. Later that same year, he resigned to continue boxing, but soon, after an injury in a Grand Rapids fight, Billy retired and returned to the Fire Department. In September 1931 he was diagnosed with cancer; barely six weeks later he lost his final fight—at age 26. His dedication to boxing, the fire department, and his ability to slide down the pole in the fire station upside down remain a local legend.

In the 1950s, homemaker Orma McCormick, 1558 W. Hazelhurst, was the first Michigan poet ever to be elected to the prestigious American Poets' Fellowship Society. She wrote narrative fantasies, sonnets, science fiction and song lyrics, many completed while she did household chores. By 1953 her work appeared in *Selected American Poets*, an anthology of modern verse; by 1954 she was included in *Who's Who in American Poetry Today*. As early as 1948 she had poems published in various sources, and by the early 1950s had won two first-place awards from respected amateur poetry associations. Although she wrote romantic poetry and religious and humorous pieces, fantasy and science fiction were her favorite themes: From 1951 through 1961 she, with co-editor Nan Gerding, published *Starlanes: The International Quarterly of Science Fiction Poetry*. She also contributed to science fiction "fanzines" such as *Quandry* and *Challenge*. Professional literary critics lauded her general poems, ranging in form from Italian and French rondeaus to free verse. Today she is recalled for her unique poetry, her efforts as an amateur press publisher (some of her publications were circulated in mimeograph form), and her ability to engage in a career from a card table in her home.



Orma McCormick
Daily Tribune

These two residents, a boxer and a poet, some thirty years apart, provided new perspectives on modern life, combining vocation and avocation to a degree largely unknown in the fledgling Ferndale of the early 1900s.

Peaceful Contact

By Orma McCormick

Mars' chilly, threadbare atmosphere had quite
Exhausted John's supply of packaged air;
He shivered, gasped, and realized his plight.
His lack of oxygen had no repair.
His rocketship was miles from where he stood
Across the orange plain of desert rust.
He owned a fortune if he only could
Reach safety over Mars' dead surface crust.

His face was blue, his limbs turned numb, before
John saw the Martian with his curious hat.
He led John down beneath the red rust floor
And offered him his own respirostat.
This friendly contact was the first to be
Accepted by both races, peacefully.

Sources: Billy Peterson: Roger Schmidt's Tough as Nails: A History of the Ferndale Fire Department (privately published, 2004): 347-349. Orma McCormick: Bernadette Callahan, "Ferndale Poet Wins Honor," Daily Tribune (August 24, 1957), unpaginated clipping in Museum file. Orma McCormick at http://zinewiki.com/Orma_McCormick (retrieved Aug. 28, 2011). "Peaceful Contact" (poem) by Orma McCormick, <http://fanac.org/fanzines/Quandry/Quandry5-11.html> (retrieved Aug. 28, 2011).

FERNDALE'S EARLY BUSINESS PROSPECTS

Building Planes in Ferndale, 1924

The Charter that established the Village of Ferndale in 1917 had one provision not usually found in most village charters. It provided for "the establishment of airplane and subway stations when the time comes." As yet Ferndale does not have either, but in 1924 it was already the home of an aviation company, located at Nine Mile near Paxton. (Note: The company is not recorded in City Directories for the 1920-30+ time period.) As reported in the *Ferndale Gazette*, October 2, 1924:

A new and novel industry has opened in Ferndale--the making and selling of airplanes by the Wolverine Aviation Company, operated by M.F. Borrows and Donald Cameron. Several planes have already been assembled and sold in Ferndale by this company, and now the building formerly used by the Berry Packing Co. [Nine Mile near Paxton] is being used by the aviators for their business.

In connection with the assembling of the airplanes an aviation school will be conducted in which special courses in all branches of aeronautics will be offered. The piloting course can be had for \$250, and the graduate of the school may be employed by the company in aerial work of various kinds.

Both managers of the company are airmen of wide experience, Mr. Borrows having been in the Royal Air Service from 1915 until only nine months ago when he came to Ferndale. A specialty of this company is aerial surveying, which is more accurate than the ground method, according to Mr. Borrows.

Mr. Borrows expects to see a large use of aircraft by private owners in the near future. He has a special plane which sells for \$1,400 and costs about \$5.00 an hour to operate. The plane can be kept at a nearby landing field where a charge of from \$10 to \$30 a month is made for rent and \$1.00 an hour for repairs. This type of plant will make 100 miles an hour, and hence is about as economical as many types of automobiles when run an equal distance.

Additional source consulted: Maurice Cole, Ferndale of Yesteryear (Ferndale Historical Society, 1971): 50

Mayor and Meat Packing, 1919+

L.O. Berry retired from wrestling to become mayor of the Village of Ferndale around 1918. He ran a meat packing house on the corner of Nine Mile and Paxton and had 23 trucks for his many routes. He ran the smoke oven for ham, hot dogs, and other other smoked meats and around 1924 he brought three ladies over from Poland to make Polish sausage for the Hamtramck customers.

Source: Mae (Lee) Perkins in Old Timers Tell It Like It Was (Ruth Rodgers Elmers, June Waugh Kotlarek, & Gerry Kulick (ed.), Ferndale Historical Society, 1987: 91

FERNDALE FACTOID

Pipelines connecting Ferndale with the great gas fields of the Texas Panhandle and with Michigan's own natural gas producing centers were completed in 1942, in accordance with arrangements between the Panhandle Eastern Pipeline Company and the Consumers Power Company.

Source: Ferndale: 1918-1943—25 Years of Progress (City-sponsored commemorative booklet, celebration of Ferndale's Silver Anniversary): 24

From our Director

Hello Fellow Members,

As summer draws to a close, it is my hope that you all have enjoyed your summer and are now ready to enjoy the beautiful colors of the Michigan fall that will soon be upon us.

Our ongoing projects at the Museum continue to move forward: updating our housing resource collection; maintaining archive files; photographing structures in the city, and devising displays featuring little-known events in Ferndale history.

*Chris Hammer, the author of this issue's lead article, is a gifted researcher and writer, who has recently joined our volunteer staff. His special skills and interest in local history are invaluable. We also welcome **Mary Shapiro**, our newest volunteer, to our historical team. With her advanced computer skills and meticulous attention to the details of maintaining historical records, she is already proving to be a valuable addition to our staff.*

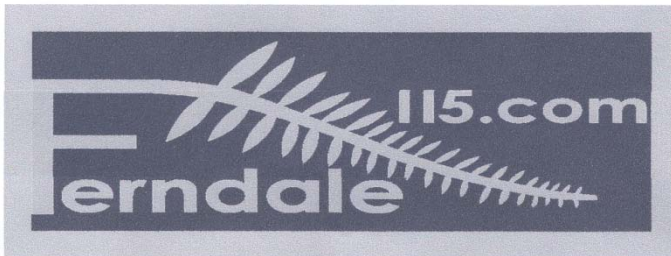
The 2012 "13-month" calendar is ready.. Enclosed in this newsletter you will find an insert for ordering it. This calendar, including January 2013 for your convenience, has beautiful wall-mountable black and white photos of Ferndale throughout the years gone by. It would make a GREAT HOLIDAY GIFT.

Memberships will soon be due so be sure to check to see if you are due for renewal, ensuring that you do not miss the next Crow's Nest issue.

I thank Lenny's Printing in Ferndale for all of their dedication and professional attention to our printing needs over the years. It is a pleasure having a business relationship with a company that to this day remains an old-style family business with old-style care for their customers.

We at the Museum wish you the happiest and safest upcoming Holiday season and thank you sincerely for your continued support.

Regards, Garry Andrews,
Director/Curator



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Ferndale Historical Society
Operators of the Ferndale Historical Museum

MEMBERSHIP APPLICATION

Individual \$ 10.00
Family \$ 25.00
Lifetime \$100.00

Return to: Ferndale Historical Society
1651 Livernois
Ferndale, MI 48220

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Calendar of Events:

Thursday, Sept. 22, 2011	6 pm	Board Meeting, Historical Society, held at the Museum, public is welcome
Thursday, Oct. 27, 2011	6 pm	Board Meeting, Historical Society, held at the Museum, public is welcome
Thursday, Dec. 1, 2011	6pm	Board Meeting, Historical Society, held at the Museum, public is welcome

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1651 Livernois
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Editor:

Graphics/Layout/Production:

Mailing:

Copying:

Jean Spang

David Lungu/Mary Shapiro

Various Volunteers

Lenny's Copy Center



Ferndale Historical Society

1651 Livernois

Ferndale, MI 48220

(248) 545-7606

ferndalehistoricalsociety.org

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“Preserving the Heritage of Ferndale for Future Generations”