



Finding Aid for

**RAYMOND H. BERRY PAPERS, 1904-1940 (BULK 1921-1935)  
Accession 84**

Finding Aid Published: November 2011



Electronic conversion of this finding aid was funded by a grant from the Detroit Area Library Network (DALNET)  
<http://www.dalnet.lib.mi.us>



20900 Oakwood Boulevard · Dearborn, MI 48124-5029 USA  
[research.center@thehenryford.org](mailto:research.center@thehenryford.org) · [www.thehenryford.org](http://www.thehenryford.org)

## OVERVIEW

REPOSITORY: Benson Ford Research Center  
The Henry Ford  
20900 Oakwood Blvd  
Dearborn, MI 48124-5029  
www.thehenryford.org  
research.center@thehenryford.org

ACCESSION NUMBER: 84

CREATOR: Berry, Raymond H., 1891-1959

TITLE: Raymond H. Berry papers

INCLUSIVE DATES: 1904-1940 (bulk 1921-1935)

QUANTITY: 4.4 cubic ft.

LANGUAGE: The materials are in English

ABSTRACT: Raymond H. Berry served as counsel for Henry Ford, Edsel Ford and Ford Motor Company in several legal cases. These records pertain to tax cases concerning complaints about Ford Motor Company's stock and land valuations. They are comprised of correspondence, legal briefs, financial records and court documents.

## ADMINISTRATIVE INFORMATION

- ACCESS RESTRICTIONS:** The collection is open for research
- COPYRIGHT:** Copyright has been transferred to The Henry Ford by the donor. Copyright for some items in the collection may still be held by their respective creator(s).
- ACQUISITION:** Ford Motor Company Archives donation, 1964
- RELATED MATERIAL:** Related material held by The Henry Ford  
- John F. Dodge Estate Trust Lawsuit collection, 1902-1928 (bulk 1925-1928), Accession 96
- PREFERRED CITATION:** Item, folder, box, accession 84, Raymond H. Berry papers, Benson Ford Research Center, The Henry Ford
- PROCESSING INFORMATION:** Collection processed by Ford Motor Company Archives staff, April 1956 and reprocessed by Lisa Robinson, Bentley Historical Library, 1997.
- DESCRIPTION INFORMATION:** Original collection inventory list prepared by Ford Motor Company Archives staff in April 1956 and updated by Lisa Robinson, Bentley Historical Library, 1997.
- Finding aid prepared by Elyssa Bisoski, November 2011, and published in November 2011.
- Finding aid prepared using Describing Archives: A Content Standard (DACS) and local guidelines.

## **BIOGRAPHICAL NOTE**

Raymond H. Berry was a founding partner of the Detroit-based law firm of Berry, Stevens, Barbier and Evely specializing in tax litigation. In this capacity, he served as counsel for Henry Ford, Edsel Ford and Ford Motor Company in several legal actions in relation to personal and corporate taxes.

In the 1920s and 1930s, the Ford Motor Company was involved in various related legal cases concerning its income tax liability, the valuation of its capital stock, and the resulting income tax liability of its stockholders. These lawsuits resulted from Henry Ford's efforts to divest control away from minority stockholders after 1919, the expansion of the Ford Motor Company in the 1920s, and the merger of the Ford Motor Company (Michigan), the Ford Motor Company (Delaware), and Henry Ford & Son, Inc. (Michigan) in 1919.

In 1915, Henry Ford began using company profits to expand the Ford Motor Company and build the River Rouge industrial complex. In response, John F. and Horace E. Dodge, Ford minority stockholders, brought a lawsuit to force the distribution of these profits as dividends. This lawsuit provoked Henry Ford in 1919 to organize a separate corporation, Henry Ford & Son, Inc. (Michigan), for the purpose of acquiring all the minority stockholders of the Ford Motor Company during the 1920s. This action led to lawsuits by the minority stockholders regarding the alleged under-valuation of Ford Motor Company capital stock. The estates of the Dodge brothers filed such suits in 1925, and the cases were decided in 1928.

As part of this program of expansion, the Ford Motor Company (Delaware) purchased the Michigan Iron, Land and Lumber Company from Chase S. Osborn in 1920. This company owned extensive land and timber holdings, and iron mines in the Upper Peninsula of Michigan. From 1925 to 1932, this Ford subsidiary and Chase S. Osborn filed separate claims for income tax refunds for the years 1920 through 1927, based on the alleged over-assessment of Michigan Iron, Land and Lumber Company stock. These cases were decided in 1932.

From 1921 to 1935, the Ford Motor Company (Michigan) was also involved in a series of cases before the United States Court of Claims concerning the company's claims to the Internal Revenue Service for interest on overpayment of its income taxes. Ford's claim centered primarily on the question of whether in 1919, before the merger of the Ford Motor Company (Michigan), the Ford Motor Company (Delaware), and Henry Ford & Son, Inc. (Michigan), these companies were in reality independent companies or units of a single organization. When an audit of the consolidated income tax returns by the Internal Revenue Service in 1925 disclosed that Ford Motor Company (Delaware) had been over-assessed, the Ford Motor Company (Michigan) filed a claim for interest on the overpayment. The Internal Revenue Service maintained that the three companies were units of a single organization and therefore refused to pay interest on the ground that the tax over-assessment resulted from a mere shifting of tax liability between units of the same organization. The Ford Motor Company (Michigan), however, insisted that prior to the merger, the three companies were distinctly separate units with different interests and different stockholders. These cases were heard in 1930, 1931, 1932, and 1935. The Internal Revenue Service also audited the stock dividends of Henry and Edsel Ford from 1934 through 1940, and investigated the finances of the Ford Motor Company (South America) and the possible affiliation of the Seaboard Investment Company with the Ford Motor Company.

## SCOPE AND CONTENT NOTE

The Raymond H. Berry papers are comprised of correspondence, legal briefs, financial records, tax records and court documents related to tax cases involving Henry Ford, Edsel Ford and Ford Motor Company. The papers include affidavits and complaints related to Ford Motor Company's stock and land valuations from litigants including the Estates of John F. and Horace E. Dodge, former Michigan governor Chase S. Osborn as well as corporations including Michigan Iron, Land and Lumber Company, Ford Motor Company (Michigan), Ford Motor Company (Delaware) and Henry Ford and Son, Inc. (Michigan). The records are divided into 6 series.

The **Ford Stockholders' Tax Suits** series concerns the suit brought in 1925 by the estate of John F. and Horace E. Dodge alleging under-valuation of Ford Motor Company capital stock. In addition to correspondence and legal documents for this case, there is a long (261 pages) analysis of the valuation of Ford Motor Company stock in 1925, and the arguments made in a related lawsuit brought by Alice G. Kales, another Ford minority stockholder.

The **Michigan Iron, Land and Lumber Company** series concerns a claim by the Ford Motor Company for an income tax refund for 1920, the year Ford purchased this company. In addition to legal documents and correspondence, there is a detailed description of the company's land holdings in the Upper Peninsula of Michigan done in 1933.

The **Chase S. Osborn** series largely concerns Osborn's petitions to the Internal Revenue Service from 1925 to 1932 for a reduction in the amount of tax he was assessed on the profits made from the sale of the Michigan Iron, Land and Lumber Company in 1920. It includes legal documents and correspondence, as well as one folder about his campaign for the Senate in 1930.

The **Ford Motor Company (Michigan)** series contains correspondence, tax returns, and legal documents relating to the alleged under-valuation of Ford Motor Company capital stock during the 1920s and to the company's claims for interest on overpayment of its income taxes in the 1920s and early 1930s. In particular, the **Capital Stock Case subseries** contains detailed financial records on company profits, losses, and costs from 1903 to 1930. There is also a folder with information about what is referred to as the "Australian" automobile design change. The **Tax Refund Case subseries** also contains information on the finances of the Ford Motor Company (South America), the stock dividends paid to Henry and Edsel Ford from 1934 to 1940, and the affiliation of the Seaboard Investment Company with the Ford Motor Company (Michigan).

The **Ford Motor Company (Delaware)** series contains legal documents and tax returns prepared for the hearings in 1930, 1931, 1932 of the claim by the Ford Motor Company (Michigan) that the Ford Motor Company (Delaware) had over-paid its income tax in 1925.

The **Henry Ford & Son, Inc. (Michigan)** series contains correspondence concerning the claim of the Ford Motor Company (Michigan) for interest on alleged overpayment of its income taxes in the 1920s and early 1930s.

## **SUBJECT TERMS**

### Names, Personal and Corporate

Berry, Raymond H., 1881-1959  
Dodge, Horace E. (Horace Elgin), 1868-1920  
Dodge, John F. (John Francis), 1864-1920  
Ford, Henry, 1863-1947  
Ford, Edsel, 1893-1943  
Osborn, Chase S., 1860-1949  
Ford Motor Company  
Michigan Iron, Land and Lumber Company  
Henry Ford and Son, Inc.  
United States. Internal Revenue Service.

### Subjects

Actions and defenses  
Automobile industry and trade--Delaware  
Automobile industry and trade--Michigan  
Corporate profits  
Dividends  
Ford Motor Company. Trials, litigation, etc  
Tax refunds  
Taxation  
Henry Ford and Son, Inc. Trials, litigation, etc.  
Taxation--laws and litigation

### Genre and Form

Financial statements  
Transcripts

## CONTAINER LIST

**Box no.**                      **Description**

---

### **SERIES I: FORD STOCKHOLDERS' TAX SUITS**

#### **Box 1**

Petition before the U.S. Board of Tax Appeals (24 bound booklets)  
Letter from Arthur J. Lacy to Edsel Ford, April 29, 1927

#### **Box 2**

Stock valuation, 1925 (manuscript)  
    Pages 1-100  
    Pages 101-200  
    Pages 210-261  
John F. and Horace E. Dodge  
    Appeals, January 1924  
    Correspondence, 1928-1930  
    Hearing, 1927  
    Final determination of suit, August 1928  
    Legal conferences, 1925-1927  
    Petitions, 1928  
Alice G. Kales arguments before council, 1928  
Miscellaneous  
Financial Information, 1904-1927

#### **Box 3**

### **SERIES II: MICHIGAN IRON, LAND AND LUMBER COMPANY**

Correspondence  
    General, 1925-1932  
    Roberts P. Hudson, 1925-1932  
    Treasury Department, 1922-1929  
Description of holdings, 1933  
Stock Certificates, 1901-1919  
Claim for 1920 tax refund  
    Claims, 1927-1932  
    Correspondence, 1932-1935  
    Exhibits, 1932  
    Land valuation, 1912

#### **Box 4**

Over-assessments, 1921-1927  
Petition, 1932  
Pleadings and special filings, 1934-1935  
Waivers, 1926

### **SERIES III: CHASE S. OSBORN**

Income tax controversy

Affidavit, 1932  
Agent's report, 1926  
Briefs, 1930-1931  
Correspondence  
    1923-1928  
    1929  
    1930  
    1931-1932  
    1933-1945

**Box 5**

Income tax controversy  
    Exhibits, 1920  
    Income tax returns, 1920-1922  
    Michigan Iron, Land and Lumber Company, 1926-1931  
    Petitions  
        1925-1926  
        February 1930  
        November 1930

**Box 6**

Pleadings  
    1929  
    1930-1932  
Power of attorney, 1930-1932  
Settlement of claim, 1932  
Stipulation of facts, 1930  
Testimony, 1931  
Miscellaneous, 1930-1938  
Senatorial campaign, 1930

**SERIES IV: FORD MOTOR COMPANY (MICHIGAN)**

Capital stock case  
    Accountants reports, 1933 and 1938  
    Advertising, 1923-1925  
    Automobile design changes, 1924-1927  
    Balance sheets, 1908-1929  
    Brief for hearing

**Box 7**

Capital stock tax returns, 1921-1926  
Depreciation and expenses, 1903-1922  
Depreciation rates, 1919-1926  
Financial ledger sheets, 1906-1925  
General correspondence  
    1929



1930  
1931  
1932-1936  
Government audits, 1920-1922  
Government contracts tax returns, 1919  
Inventories and sales, 1915-1930

**Box 8**

Legal correspondence, 1931  
Legal opinions, 1930-1931  
Profits and losses, 1929-1930  
Raw materials costs, 1920-1929  
Tax refund case  
Correspondence  
1926-1929  
1930-1931  
1934-1936  
Digest of related legal cases

**Box 9**

Exhibits  
Joint exhibits  
1-20  
21-32  
33-55  
Income tax paid, 1921-1926  
Income tax return, 1920  
Henry and Edsel Ford stock dividends  
1934  
1935  
1936  
1937-1940

**Box 10**

Edsel Ford settlement, 1933-1934  
Legal motions, 1930-1934  
Power of attorney  
Proceedings  
Seaboard Investment Company correspondence, 1933-1935  
Tax law, 1919-1922  
Writ of Certiorari, 1935

**SERIES V: FORD MOTOR COMPANY (DELAWARE)**

Income tax case, 1930  
Briefs  
Exhibits

Income tax case, 1931  
Income tax returns, 1924-1926  
Exhibits  
A1-A40  
A41-E2

**Box 11**

Income tax case, 1932  
Exhibits  
A1-A30 and index  
A31-A65  
B1-E9  
Income tax returns, 1920 and 1927-1930  
Lawyers services, 1929-1931  
Ford Motor Company South America finances, 1920-1926 and 1932

**SERIES VI: HENRY FORD & SON, INC. (MICHIGAN)**

Tax refund case  
Correspondence  
1922-1929  
1931-1936