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## CONTENTS

|                                                         |     |
|---------------------------------------------------------|-----|
| Editorial: Responsible Leadership Is Needed             | 62  |
| News of the Industry                                    | 65  |
| Washington News Letter                                  | 70  |
| Washington-Idaho Lime Products to Close                 | 71  |
| Kern Rock Company's New Gravel Plant                    | 72  |
| Recent Developments in Drilling Blast Holes<br>—Part II | 76  |
| Pennsylvania Stone, Agstone Producers<br>Meet           | 78  |
| Callanan Adds Agstone to Products                       | 79  |
| New Outlets for the Lime Industry—Part I                | 97  |
| Inland Uses Waste Stone to Make Agstone                 | 101 |
| The Critical Zone in Lime Calcination                   | 102 |
| Lime Recovery in Alkaline Pulp Mills                    | 105 |
| N. Y. State Crushed Stone Assn. Meeting                 | 108 |
| What Fineness for Agricultural Limestone?               | 109 |
| Modern Agstone Plant Expands Output                     | 112 |
| First N.L.A. Convention Since 1941                      | 113 |
| The Lime Plant Operator                                 | 116 |
| High-Test Limestone at Sheridan Plants                  | 129 |

### The Concrete Manufacturer

|                                                     |     |
|-----------------------------------------------------|-----|
| News of the Industry                                | 163 |
| Assisting in European Reconstruction                | 166 |
| Concrete Masonry Exhibits at Home Show              | 168 |
| Operating Costs Cut by Materials Handling<br>System | 169 |
| Geist's Novel Exhibit at Cleveland                  | 171 |
| California Concrete Pipe Makers Meet                | 172 |
| American Concrete Pipe Assn. Convention             | 173 |
| Ruhling Urges All-Out Block Production              | 175 |



|                              |     |
|------------------------------|-----|
| Personal Mention, Obituaries | 132 |
| New Machinery and Equipment  | 134 |
| Legal Decisions              | 141 |
| Traffic News                 | 146 |
| Trade Notes                  | 151 |
| Trade Literature             | 158 |

PIT AND QUARRY IS INDEXED IN THE ENGINEERING INDEX

# Legal Decisions

By LEO T. PARKER

Some states have compensation laws which do not allow compensation for occupational diseases, such as silicosis. In *Aranbula v. Banner Mining Company*, 161 Pac. (2d) 867, reported January, 1946, an employee in New Mexico sued to recover compensation under the State Workmen's Compensation Act for silicosis. The testimony showed that he acquired silicosis over a period of years, and without the element of excessive exposure and sudden and unexpected occurrence of injury or illness. The higher court held that the employee suffered from an "occupational disease" and not an "injury by accident." Since New Mexico has no law authorizing payment of compensation for occupational diseases the court refused to award the employee compensation.

A careful review of the laws of various states discloses that the following states have laws which allow compensation for occupational diseases: Arizona, Arkansas, Delaware, Idaho, Kentucky, Maryland, Michigan, Minnesota, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Utah, Virginia, Washington, and West Virginia.

Michigan and New York amended their statutory silicosis provisions, relating to compensation, in 1943 and 1944. Ohio amended its provisions on silicosis in 1943.

The following states have special provisions, relating to pneumoconiosis, silicosis and asbestosis: Idaho, Illinois, Indiana, Maryland, Massachusetts, Michigan, Minnesota, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Washington, West Virginia, and Wisconsin.

The laws of 15 of the 48 states not only specifically name silicosis, but have special statutory provisions relating thereto.

In the leading higher court case *Victory Sparkler & Specialty Company v. Francks*, 128 A. 635, 638, the court said:

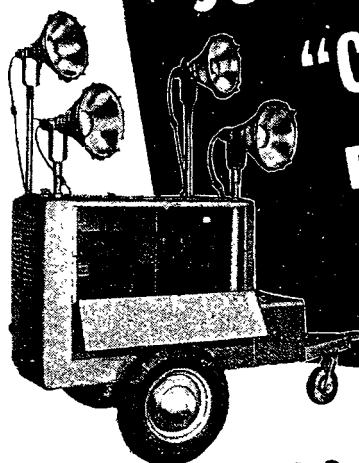
"An occupation or industry disease is one which arises from causes incident to the profession or labor of the party's occupation or calling. It has its origin in the inherent nature or mode of work of the profession or industry, and it is the usual result or concomitant."

If, therefore, a disease is not a customary or natural result of the occupation, the disease is not an occupational disease.

"Injury by accident," as used in the workmen's compensation act, means nothing more than an accidental injury, or an accident, as the word is ordinarily used.

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## INDEX TO ADVERTISERS

|                                          |                                             |                                           |
|------------------------------------------|---------------------------------------------|-------------------------------------------|
| Ace Co. .... 210                         | *Chicago Steel Foundry Co. .... 157         | Gar Wood Industries, Inc. .... 50         |
| Acker Drill Co. .... 210                 | Agency—Gage Rex Wamsley                     | Agency—Creative Agency Asso-              |
| Acme Road Machinery Co. .... 217         | *Cincinnati Rubber Mfg. Co. .... 150        | ciates                                    |
| Allied Welding & Manufacturing Co. 191   | Agency—Flottman Co. .... 160                | Gardner-Denver Co. .... 198               |
| Agency—Thomas G. Greene, Adv.            | Cleveland Rock Drill Co. .... 160           | Agency—Buchen Co. .... 21                 |
| *Allis-Chalmers Mfg. Co. .... 16-17      | Agency—Bayless-Kerr Co. .... 200            | Gates Rubber Co. .... 21                  |
| Agency—Compton Adv., Inc.                | Cleveland Wire Cloth & Mfg Co. .... 200     | Agency—Clayd F. Woolley, Inc.             |
| Alloy Steel and Metals Co. .... 151      | Columbia Construction Co., Inc. .... 216    | General American Transportation           |
| Agency—Theo. M. Martin Agency            | *Columbus Conveyor Co. .... 206             | Corp. .... 87                             |
| *American Air Filter Co., Inc. .... 88   | Commercial Shearing & Stamping Co. 180      | Agency—Franklin Industrial Ser-           |
| Agency—Farson & Huff Adv. Agcy.          | Conserco, Inc. .... 164                     | vices Inc.                                |
| American Bosch Corp. .... 56             | Consolidated Diesel Electric Corp. .... 141 | *General Electric Co. .... 31             |
| Agency—Wm. E. Remington, Inc.            | Agency—Michel-Cather, Inc. .... 212         | G-M-C Truck & Coach Div. of Gen-          |
| *American Cable Div., American           | Consolidated Products Co. .... 182          | eral Motors Corp. .... 22                 |
| Chain & Cable Co., Inc. .... 182         | Continental Concrete Pipe & Eqt. Co. 182    | Agency—D. P. Brother & Co., Inc.          |
| Agency—Reincke, Meyer & Finn             | Davenport Locomotive Works .... 200         | Gilson Screen Co. .... 154                |
| *American Hoist & Derrick Co. .... 195   | Agency—Fred A. Hinrichsen                   | Goodyear Tire & Rubber Co. .... 3         |
| Agency—Buchen Co.                        | Daybrook Hydraulic Corp. .... 209           | Agency—Kudner Agency, Inc.                |
| American Manganese Steel Div. .... 142   | Agency—Steve C. Brown                       | Graveley Industries, Bob .... 183         |
| Agency—Advertising Producers—            | *Deister Machine Co. .... 152               | Agency—Thomas G. Greene, Adv.             |
| Associated, Inc.                         | Agency—Spencer W. Curtiss, Inc.             | *Gruendler Crusher & Pulverizer Co. 123   |
| *American Pulverizer Co. .... 96         | DeSoto Foundry, Inc. .... 9                 | Agency—Christy Humbert Adv.               |
| Agency—Eggers-Rankin Adv. Serv.          | Agency—Bozell & Jacobs, Inc.                | Agcy.                                     |
| American Rubber Mfg. Co. .... 49         | Detroit Diesel Engine Division of           | Gulf Oil Corp. .... 11                    |
| Agency—Conner Co.                        | General Motors Corp. .... 4                 | Hays Mfg. Co., George .... 153            |
| Anaconda Copper Mining Co. .... 43       | Agency—Kudner Agency, Inc.                  | Agency—Hicks & Greist, Inc.               |
| Agency—Ivey and Ellington, Inc.          | Dewey & Almy Chemical Co. .... 149          | Hanson Clutch & Machy Co. .... 8          |
| Anchor Concrete Machinery Co. .... 180   | *Diamond Iron Works, Inc. .... 48           | Agency—Coleman Todd & Associates          |
| Atlantic Equipment Co. .... 214          | Agency—Foulke Agency                        | Hardinge Company, Inc. .... 121           |
| *Athey Products Corp. .... 14            | *Dixie Machinery Manufacturing Co. 119      | Agency—W. H. Long Co.                     |
| Agency—Lyle Hosler, Advertising          | Agency—Ralph W. Smith Adv.                  | Harnischfeger Corp. .... 39               |
| Atlas Powder Co. .... 58                 | Agcy.                                       | Agency—Buchen Co.                         |
| Agency—Atkin-Kymett Co.                  | *Dorr Company .... 55                       | Heat and Power Company .... 213           |
| *Babcock & Wilcox Co. .... 64            | Agency—O. S. Tyson & Co., Inc.              | Heideneich, E. Lee .... 211               |
| Agency—O. S. Tyson & Co.                 | Drefius Co., Charles .... 214               | Hendrick Mfg. Co. .... 208                |
| *Barber-Greene Company .... 184          | duPont de Nemours & Co., E. I. .... 224     | Agency—G. M. Bastford Co.                 |
| Agency—Buchen Co.                        | Agency—Batten, Barton, Dwinistne            | Hercules Powder Co. .... 32               |
| Barrett-Cravens Co. .... 189             | & Osborn, Inc.                              | Agency—Fuller & Smith & Ross              |
| Agency—Buchen Co.                        | *Eagle Crusher Co., Inc. .... 200           | Inc.                                      |
| Baughman Mfg. Co. .... 124               | *Eagle Iron Works .... 145                  | *Hercules Steel Products Co. .... 137     |
| *Bemis Bro. Bag Co. .... 28              | Agency—Advertising Producers—               | Agency—Howard Schm Adv. Agcy.             |
| Agency—Gardner Advertising Co.           | Associated, Inc.                            | Highway Equipment Co., Inc. .... 127      |
| Berg Vault Co. .... 186                  | *Easton Car and Construction Co. 31-35      | Industrial Brownhoist Corp. .... 158      |
| Bethlehem Steel Co. .... 199             | Agency—Frederick A. Richardson              | Agency—Seemann & Peters Inc.              |
| Birmingham Rail & Locomotive Co. 219     | Economy Co., Inc. .... 219, 221             | Industrial Plants Corp. .... 212          |
| Blatt Sales Co., Inc., Frank I. .... 187 | *Economy Pumps, Inc. .... 203               | Ingersoll-Rand Co. .... 1                 |
| *Blaw-Knox Division of Blaw-Knox         | Agency—Ferrin-Paus Company                  | Inland Equipment Co. .... 221             |
| Co. .... 206                             | *Ehram & Sons Mfg. Co., J. B. .... 207      | International Harvester Co. of            |
| Agency—Al Paul Lefton Co.                | Elghmy Equipment Co. .... 213               | America .... 25                           |
| Bonded Scale Co. .... 221                | Electroline Co. .... 147                    | Agency—Aubrey, Moore & Wal-               |
| Boston Woven Hose & Rubber Co. .... 37   | Agency—Gebhardt & Brockson, Inc.            | lace, Inc.                                |
| Agency—Paris and Peart                   | Elwood Sales & Manufacturing Co. 215        | *Iowa Manufacturing Co. .... 23           |
| Bradley Pulverizer Co. .... 155          | Ensign-Bickford Co. .... 19                 | Agency—Russell T. Gray, Inc.              |
| Brew, Woltman & Co., Inc. .... 216       | Agency—Wm. B. Remington, Inc.               | Iron & Steel Products, Inc. .... 216, 219 |
| Brill Equipment Co. .... 215             | Equipment Corp. of America .... 215         | Jackson & Church Co. .... 161             |
| Broadcast Section .... 211-221           | Erickson Special Equipment Mfg Co. 182      | *Jaeger Machine Co. .... 189              |
| *Brooks Equipment & Mfg Co. .... 157     | *Erie Steel Construction Co. .... 179       | Agency—Mumm, Mullay & Nich-               |
| Agency—Gage Rex Wamsley                  | Agency—Davies and McKinney                  | ols, Inc.                                 |
| *Buda Co. .... 93                        | *Euclid Road Machy. Co. .... 26             | *Jaite Company .... 126                   |
| Agency—Russell T. Gray, Inc.             | Agency—Bayless-Kerr Co.                     | *Jeffrey Mfg. Co. .... 128                |
| Burnham, Royal E. .... 211               | *Fairbanks-Morse & Co. .... 159             | Agency—Byer & Bowman Adv.                 |
| *Butler Bin Co. .... 185                 | Agency—Henri, Hurst & McDonald              | Agcy.                                     |
| Agency—Davis-Greene Corp.                | Farrel-Bacon .... 150                       | *Johns-Manville Corp. .... 140            |
| Carlyle Rubber Co., Inc. .... 205, 217   | Agency—Gassaway, Mark & Co.                 | Agency—J. Walter Thompson Co.             |
| Agency—Sam J. Galloway Co.               | Farrel-Birmingham Co., Inc. .... 59         | *Johnson & Co., C. S. .... 188            |
| Casellini Venable Corp. .... 217         | Agency—Gassaway, Mark & Co.                 | Agency—Arnold Andrews                     |
| Caterpillar Tractor Co. .... 20          | Flexible Steel Lacing Co. .... 207          | W. A. Jones Foundry & Machine Co. 208     |
| Agency—N. W. Ayer & Son, Inc.            | Agency—Kreicker & Meloan, Inc.              | Agency—Kreicker & Meloan, Inc.            |
| Chicago Electric Company .... 217        | Flick Contracting Co. .... 214              | Kansas City Hay Press Co. .... 210        |
| Chicago Perforating Co. .... 152         | Ford Motor Co. .... 57                      | *Kennedy-Van Saun Mfg. & Engr.            |
| *Chicago Pneumatic Tool Co. .... 27      | Agency—J. Walter Thompson Co.               | Corp. .... 94-95                          |
| Agency—G. M. Bastford Co.                | Frog, Switch & Mfg. Co. .... 151            | Kent Machine Co. .... 180                 |
|                                          | *Fuller Co. .... 10                         |                                           |

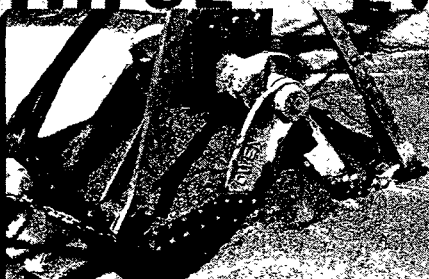
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## INDEX TO ADVERTISERS (Continued)

|                                        |       |                                       |          |                                      |       |
|----------------------------------------|-------|---------------------------------------|----------|--------------------------------------|-------|
| Koehring Co. ....                      | 18    | *Parsons Engineering Corp. ....       | 122      | *Sturtevant Mill Co. ....            | 197   |
| Agency—Arnold Andrews                  |       | Agency—Gerst Adv. Agency              |          | Agency—Sutherland-Abbott             |       |
| Kremser, Frank A. ....                 | 214   | *Pennsylvania Crusher Co. ....        | 41       | *Syntron Co. ....                    | 188   |
| *Laughlin Co., Thomas ....             | 156   | Pennsylvania Drilling Co. ....        | 211      | Taylor Forge and Pipe Works. ....    | 36    |
| Agency—James Thomas Chirurg            |       | Philadelphia Gear Works ....          | 125      | Agency—Kreicker & Meloan, Inc.       |       |
| Co.                                    |       | Agency—R. E. Lovekin Corp.            |          | Texas Company ....                   | 61    |
| *Leschen & Sons Rope Co., A. ....      | 206   | *Pioneer Engineering Works, Inc. .... | 54       | Agency—Buchanan & Co., Inc.          |       |
| Agency—Ross Adv. Agency                |       | Agency—Alfred Colle Co.               |          | Thermoid Rubber, Division of Ther-   |       |
| *LeTourneau, Inc., R. G. ....          | 29    | Plymouth Locomotive Works, Div. of    |          | moid Co. ....                        | 131   |
| Agency—Arnold Andrews                  |       | the Fate-Root-Heath Co. ....          | 91       | Agency—Aitkin-Kynet Co.              |       |
| Lima Locomotive Works, Inc. ....       | 205   | Agency—Howard Swink Adv. Agcy.        |          | Thew Shovel Co. ....                 | 2     |
| Agency—G. M. Basford Co., Inc.         |       | Power Equipment Construction Co. .... | 186      | Agency—Griswold-Eshleman Co.         |       |
| Lime & Hydrate Plants Co. ....         | 82    | Purdy Company ....                    | 212      | Thornton Tandem Co. ....             | 210   |
| *Link-Belt Company ....                | 207   | *Quaker Rubber Corp. ....             | 44       | Agency—Creative Agency Associ-       |       |
| *Link-Belt Speeder Corp. ....          | 92    | Quinn Wire & Iron Works. ....         | 186      | ates                                 |       |
| Lone Star Cement Corp. ....            | 177   | Agency—Lessing Adv. Co., Inc.         |          | Tinney Drilling Co. ....             | 211   |
| Agency—Cowan & Dengler, Inc.           |       | Railway Accessories Co. ....          | 213      | Towmotor Corp. ....                  | 178   |
| Lubriplate Division, Fiske Bros. Re-   |       | *Ransome Machy. Co.—See Worth-        |          | Agency—Howard Swink Adv. Agcy.       |       |
| fining Co. ....                        | 207   | ington Ransome                        |          | *Trackson Co. ....                   | 21    |
| Agency—E. M. Freystadt Assoc.          |       | .....223—Outside back cover           |          | Agency—Klau-Van Pietersom-           |       |
| Inc.                                   |       | Agency—James Thomas Chirurg           |          | Dunlap Assoc.                        |       |
| Mack Manufacturing Corp. ....          | 46    | Co.                                   |          | *Traylor Engrg. & Mfg. Co. ....      | 15    |
| Agency—McCann-Erickson, Inc.           |       | *Raybestos-Manhattan, Inc., Manhat-   |          | Trinity Portland Cement Co. ....     | 191   |
| Magnolia Metal Co. ....                | 201   | tan Rubber Division                   |          | Agency—Hamilton Adv. Agency          |       |
| Agency—Michel-Cather, Inc.             |       | Agency—Keeling & Co., Inc.            |          | Inc.                                 |       |
| *Manhattan Rubber Div. ....            | 33    | *Raymond Pulverizer Div. of Combust-  |          | Trojan Powder Co. ....               | 210   |
| Agency—Keeling & Co. Inc.              |       | ion Engineering Co., Inc. ....        | 84-85    | Agency—Richard A. Foley Adv.         |       |
| Marion Metal Products Co. ....         | 120   | Agency—Gage Rex Wamsley               |          | Agcy.                                |       |
| Agency—Kelly & Lamb Adv. Agcy.         |       | Rental Equipment Co. ....             | 213      | *Truk-Loder Co. ....                 | 200   |
| Master Builders Corp. ....             | 190   | Republic Rubber Division. ....        | 133      | *Twin City Iron & Wire Co. ....      | 182   |
| Agency—Bayless-Kerr Co.                |       | Agency—Wearstler Advertising,         |          | *Tyler Co., W. S. ....               | 209   |
| *McLanahan & Stone Corp. ....          | 210   | Inc.                                  |          | Union Pacific Railroad. ....         | 51    |
| Agency—Walker & Downing Adv.           |       | Robins Conveyors Incorporated. ....   | 193      | Agency—Caples Co.                    |       |
| *Merrick Scale Mfg. Co. ....           | 118   | Agency—Ross Roy, Inc.                 |          | Unit Crane & Shovel Corp. ....       | 209   |
| Mid-Continent Equipment Co. ....       | 215   | *Rogers Iron Works Co. ....           | 196      | Agency—Paulson-Gerlach & Assoc.,     |       |
| Mine & Smelter Supply Co. ....         | 155   | Agency—R. J. Potts-Calkins &          |          | Inc.                                 |       |
| Agency—Shaw Advertising Agency         |       | Holden                                |          | Universal Atlas Cement Co. ....      | 162   |
| Minneapolis-Moline Power Imple-        |       | Royce Company, Ken ....               | 216      | Agency—Batten, Barton, Durstine      |       |
| ment Co. ....                          | 202   | *St. Regis Paper Co. ....             | 90       | & Osborn, Inc.                       |       |
| Agency—Graves & Associates             |       | Agency—G. M. Basford Co.              |          | Universal Concrete Pipe Co. ....     | 186   |
| Mixermobile Co., Inc. ....             | 203   | *Sanderson Cyclone Drill Co. ....     | 204      | Agency—Harry M. Miller, Inc.         |       |
| Agency—Hargraves & Wright,             |       | Agency—Meek and Thomas, Inc.          |          | *Universal Engineering Corp. ....    | 30    |
| Adv.                                   |       | *Sauerma Bros., Inc. ....             | 156      | Agency—Advertising Producers—        |       |
| Morse Boulder Destructor Co. ....      | 186   | Schaffer Poldometer Co. ....          | 158      | Associated, Inc.                     |       |
| Agency—Sanger-Funnell, Inc.            |       | Schoonmaker Co., A. G. ....           | 217      | Universal Road Machy. Co. ....       | 206   |
| Mosher, R. J. ....                     | 221   | Schoonmaker, Robert ....              | 214, 219 | *Universal Vibrating Screen Co. .... | 124   |
| *Multiplex Concrete Machinery Co. .... | 182   | *Schramm, Inc. ....                   | 63       | Unverzagt & Sons, G. A. ....         | 212   |
| Murphy Diesel Co. ....                 | 139   | *Screen Equipment Co. ....            | 144      | Vulcan Iron Works ....               | 12-13 |
| Agency—Klau-Van Pietersom-             |       | Agency—Melvin F. Hall, Adv. Agcy.     |          | War Assets Corp., a Subsidiary of    |       |
| Dunlap Assoc., Inc.                    |       | Sheppard Co., R. H. ....              | 143      | Reconstruction Finance Corp. ....    | 194   |
| National Wire Cloth Co., Inc. ....     | 210   | Agency—Wm. B. Kamp Inc. Adv.          |          | Agency—Fuller & Smith & Ross,        |       |
| *Navlor Pipe Co. ....                  | 148   | Sinclair Refining Co. ....            | 135      | Inc.                                 |       |
| Agency—Fred H. Ebersold, Inc.          |       | Agency—Hixson-O'Donnel Adv.           |          | Waylite Company ....                 | 189   |
| Neff & Fry Co. ....                    | 210   | *Sly Mfg. Co., W. W. ....             | 117      | *Wellman Engineering Co. ....        | 202   |
| Agency—Parker Adv. Co.                 |       | Agency—Bayless-Kerr Co.               |          | Agency—Griswold-Eshleman Co.         |       |
| *New Holland Machine Co. ....          |       | *Smith & Co., F. L. ....              | 81       | *Western Precipitation Corp. ....    | 89    |
| .....Inside Front Cover                |       | Smith Engineering Works. ....         | 45       | Agency—Dozier-Graham-Eastman         |       |
| *Nordberg Manufacturing Co. ....       | 52-53 | Agency—Cramer-Krasselt Co.            |          | Adv.                                 |       |
| Northwest Engineering Co. ....         | 5     | Socony-Vacuum Oil Co., Inc. ....      | 6-7      | Wickwire Spencer Steel Co. ....      | 204   |
| Agency—Russell T. Gray, Inc.           |       | Agency—Compton Advertising, Inc.      |          | Agency—Fuller & Smith & Ross         |       |
| Onan & Sons, D. W. ....                | 209   | Southern Iron & Equipment Co. ....    | 216      | *Williams Patent Crusher & Pulv. Co. |       |
| Agency—Graves and Associates           |       | Southern Ohio Quarries Co. ....       | 219      | Co. ....                             | 83    |
| O'Neill, A. J. ....                    | 214   | Standard Oil Co. of Calif. ....       | 42       | Willson Products, Inc. ....          | 146   |
| Oreland Equipment Co. ....             | 216   | Agency—Batten, Barton, Durstine       |          | Agency—Beaumont, Heller & Sper-      |       |
| Agency—M. L. Beresni, Advertising      |       | & Osborn, Inc.                        |          | ling, Inc.                           |       |
| Osgood Co. ....                        | 86    | Standard Pressed Steel Co. ....       | 203      | Wisconsin Motor Corp. ....           | 153   |
| Agency—Howard Swink Adv.               |       | Agency—R. E. Lorekin Corp.            |          | Agency—Paulson-Gerlach & Assoc.      |       |
| Agcy.                                  |       | Stanhope, Inc., R. C. ....            | 219      | Wood's Sons Co., T. B. ....          | 47    |
| *Owen Bucket Co. ....                  | 222   | *Stearns Manufacturing Co., Inc. .... | 192      | Agency—R. E. Lovekin Corp.           |       |
| Agency—T. H. Ball and Sons             |       | Agency—R. Marshall Adv. Agcy.         |          | *Worthington Pump and Machinery      |       |
| Page Engineering Co. ....              | 154   | *Stephens-Adams Mfg. Co. ....         | 38       | Corp. ....223 Outside Back Cover     |       |
| Agency—A. B. Southworth                |       | Agency—Evans Associates, Inc.         |          | Agency—James Thomas Chirurg          |       |
|                                        |       | Stroh Process Steel Co. ....          | 201      | Co.                                  |       |

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Cal., San Francisco, Coast Equip. Co.  
Colo., Denver, Power Equipment Company.  
Connecticut, New Haven, Wilhelm-Davies Co., Inc.  
Fla., Miami, Allied Equip., Inc.  
Fla., Orlando, Highway Equip. & Supply Com-  
pany, Tampa, Epperson & Company  
Ga., Atlanta, Tractor & Machinery Company  
Ida., Boise, Olson Manufacturing Company  
Ill., Chicago, Chicago Construction Equipment Co.  
Los Angeles, Golden State Equip. Co.  
Maine, Portland, Maine Truck-Tractor Company  
Mass., Allston, Boston, Clark-Wilcox Co.  
Mich., Muskegon, Lakeshore Machy. & Supply Co.  
Minn., Minneapolis, Philippi-Murphy Equip. Co.  
Miss., Jackson, Jackson Road Equip. Co.  
Mo., Clayton, The Howard Corporation

Ohio, Cincinnati, Carroll-Edwards Co.  
Okla., Oklahoma City, Townsco Equip. Company  
Oregon, Portland, Andrews Equipment Service  
S. C., Columbia, Smith Equipment Company  
Tenn., Knoxville, Dempster Bros., Inc.  
Tenn., Nashville, Dempster Bros., Inc.  
Texas, Amarillo, T. W. Carpenter Equip. Co.  
Texas, Dallas, Shaw Equip. Co.  
Vt., Barre, A. M. Flangers, Inc.  
Utah, Salt Lake City, J. K. Wheeler  
Wash., Spokane, Andrews Equip. Service  
Wisc., Milwaukee, Drott Tractor & Equip. Co., Inc.

### Ransome Distributors

Ariz., Phoenix, Lee Redman Company  
D. C., Washington, M. A. Doetsch Mach. Co.  
Ill., Chicago, Thomas Hoist Company  
Ind., Fort Wayne, American Steel Supply Co.  
Ky., Paducah, Henry A. Petter Supply Co.  
La., New Orleans, Ole K. Olson Company  
Md., Baltimore, Stuart M. Christhill & Company  
Mich., Detroit, T. G. Abrams  
Mo., Kansas City, Brown-Strauss Corp.  
Neb., Lincoln, Highway Equip. & Supply Co.  
N. J., Newark, Johnson & Dealaman  
N. C., Raleigh, Smith Equip. Company  
O., Cleveland, H. B. Fuller Equip. Company  
Pa., Philadelphia, Giles & Ransome  
Wilkes-Barre, Arrow Supply Company  
Tex., El Paso, Mine and Smelter Supply Co.

Ky., Louisville, Williams Tractor Company  
La., New Orleans, Wm. F. Surgi Equip. Co.  
Md., Baltimore, D. C. Elphinstone, Inc.  
Mass., Cambridge, Field Mach. Company  
Mich., Detroit, W. H. Anderson Co., Inc.  
Flint, Grandson-Hall & Company  
Mo., Kansas City, Mach. & Supplies Co.  
N. J., No. Bergen, American Air Compressor Co.  
N. M., Roswell, Smith Machinery Company  
N. Y., Buffalo, Dow & Co., Inc.  
New York, Air Compressor Rental & Sales  
Olean, Freeborn Equip. Company  
N. C., Raleigh, Carolina Tractor & Equip. Co.  
O., Cleveland, Gibson-Stewart Company  
Toledo, The Kilcorse Mach. Co.  
Pa., Allentown, H. N. Crowder, Jr., Inc.  
Easton, Sears & Bowers  
Harrisburg, American Equip. Corp.  
Oil City, Freeborn Equipment Company  
Philadelphia, Metalweld, Inc.  
Pittsburgh, Atlas Equip. Corp.  
Wilkes-Barre, Ensminger & Company  
Texas, El Paso, Equip. Supply Company  
San Antonio, Patten Machinery Company  
Va., Richmond, Highway Mach. & Supply Co.  
Wash., Seattle, Star Machinery Company  
Wycmng, Cheyenne, Wilson Equip. & Supply Co.

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