

The abstract of title, which is the subject of this opinion, is not accompanied by any deed, encumbrance estimate of certificate showing a release of the purchase money by the Controlling Board. All of these files should be submitted to this department for approval with the corrected abstract. The abstract of title submitted is herewith returned.

Respectfully,
GILBERT BETTMAN,
Attorney General.

684.

APPROVAL, BONDS OF ASHTABULA COUNTY—\$16,500.00.

COLUMBUS, OHIO, July 27, 1929.

Industrial Commission of Ohio, Columbus, Ohio.

685.

APPROVAL, BONDS OF CITY OF GALLIPOLIS, GALLIA COUNTY—
\$46,000.00.

COLUMBUS, OHIO, July 27, 1929.

Industrial Commission of Ohio, Columbus, Ohio.

686.

EXPLOSIVES—STATUTORY TERM DOES NOT INCLUDE CARBIDE, GUN
SHELLS AND CARTRIDGES.

SYLLABUS:

Carbide used by miners and gun shells and cartridges do not come within the provisions of the Ohio Explosive Laws.

COLUMBUS, OHIO, July 29, 1929.

HON. THOS. C. DEVINE, *Division Chief, Division of Factory and Building Inspection, Columbus, Ohio.*

DEAR SIR:—This will acknowledge receipt of your recent communication, as follows:

“A question has arisen whether or not carbide used by miners, also gun shells and cartridges, come within the provisions of the Ohio Explosive Laws, a copy of which is enclosed. Will you kindly give us your opinion?”

Section 5903-1 of the General Code of Ohio provides in part as follows:

"The term 'explosive' or 'explosives' whenever used in this act shall be held to mean and include any chemical compound or mechanical mixture that is intended for the purpose of producing an explosion, that contains any oxidizing and combustible units, or other ingredients, in such proportions, quantities or packing that an ignition by fire, friction, by concussion, by percussion, or by detonator of any part of the compound or mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressure are capable of producing destructive effects on contiguous objects, or of destroying life or limb.

For the purposes of this act manufactured articles shall not be held to be explosives when the individual units contain explosives in such limited quantities, of such nature, or in such packing, that it is impossible to procure a simultaneous or a destructive explosion of such units, to the injury of life, limb or property by fire, by friction, by concussion, by percussion, or by detonator, such as fixed ammunition for small arms, fire-crackers, safety fuse matches, et cetera."

Webster's New International Dictionary defines carbide or calcium carbide as a crystalline solid in the chemical characterization of CaC_2 , colorless when pure but often resembling gray limestone. It is made by heating lime and carbon together in an electric furnace and used for the generation of acetylene. Carbide when used in connection with water produces vapors and gases of highly inflammable character and when brought in contact with fire in any way will explode and is a highly and extremely dangerous substance. I do not find, however, that carbide is a chemical compound that is intended for the purpose of producing an explosion or that it contains any oxidizing or combustible units or other ingredients that an ignition by fire, friction, by concussion, by percussion or by detonator of any part of the compound might cause an explosion capable of producing destructive effects on contiguous objects or of destroying life or limb.

It will be seen that it is necessary that something be added to the compound to create acetylene. This act as passed was entitled "An Act relating to the manufacture, keeping, storage, transportation and sale of explosives, and providing penalties for any violation of this act." As above stated, it will be seen that carbide in and of itself is not an explosive.

You will note that the second paragraph of Section 5903-1, General Code, provides:

"For the purposes of this act manufactured articles shall not be held to be explosives when the individual units contain explosives in such limited quantities, of such nature, or in such packing, that it is impossible to procure a simultaneous or a destructive explosion of such units, to the injury of life, limb or property by fire, by friction, by concussion, by percussion, or by detonator, such as fixed ammunition for small arms * * * ."

I am inclined to the opinion that the exception as herein stated includes gun shells and cartridges and that a further discussion of that portion of your inquiry is unnecessary.

In specific answer to your question, I am of the opinion that carbide used by miners and gun shells and cartridges do not come within the provisions of the Ohio Explosive Laws.

Respectfully,

GILBERT BETTMAN,

Attorney General.