

FACTOIDS

- **He's mine!** Divorce lawyers offer this advice if you live in the United States and want to be sure you get to keep your pet in a custody battle: Keep a diary showing that you are the primary caregiver.
- **Capital punishment for killing Fluffy.** Death was the penalty for killing a cat 4,000 years ago in Egypt. Cats' lives had become cheaper by the 9th century, when King Henry I of Saxony decreed that the penalty for killing a cat should be a fine of 60 bushels of corn.
- **Dingos.** The dingo arrived in Australia about 4,000-6,000 years ago, and may have been introduced by Indonesian fishermen trading with Aborigines. Several Australian states forbid the keeping of dingos as pets; others require owners to obtain a special permit. Only two (New South Wales and Western Australia) permit dingos as pets without a license.
- **Endangered.** Seahorses may soon become an endangered species because of the international aquarium fish trade in seahorses and because their natural habitats are becoming polluted.

edge that animals, especially those in the higher orders, such as dogs, cats and horses, are sentient beings with feelings, emotions, personalities and foibles. They eat, sleep, give birth to young, play, get sick and die, just as we do. Although they are not human beings, they are substantially different from other types of property and have special characteristics and needs.

pet custody. Some United States cities (Boulder, Colorado; Berkeley, West Hollywood and San Francisco, California; Sherwood, Arizona; Amherst, Massachusetts; and Menomonee Falls, Wisconsin) and one state (Rhode Island) have taken the controversial step of referring to pet owners as *pet guardians*. Although all states and Canadian provinces allow a *traditional* trust to be crafted to care for your pets, at the time of writing, at least 42 states and the District of Columbia also recognize simple and economical *statutory* trusts to provide benefits to your pets.

Another way some United States courts have responded to what would normally be invalid trusts set up for the benefit of animals has been to look for ways to fulfill the wishes of the deceased. Several courts, for example, have simply allowed a questionable pet trust to stand when the other (human) will beneficiaries did not object.

In the first case in the United States pertaining to the legality of a bequest for the benefit of a pet, the Kentucky Supreme Court declared that a gift in a will for the care of a specific animal was a *humane purpose* and therefore lawful under a state statute that validates any gift that had a humane purpose.

In Canada, amendments to the Criminal Code have been proposed that would remove animals from the property section. And almost everywhere, courts acknowl-