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custody, n.

Pronunciation: Brit. /'kʌstədi/, U.S. /'kæstədi/

Forms: ME (15 Sc.) **custodi**, ME–16 **custodie**, ME–16 **custodye**, 15–16 **costody**, 15– **custody**, 16 **costodie**.

Frequency (in current use):

Origin: A borrowing from Latin. **Etymon:** Latin *custōdia*.

Etymology: < classical Latin *custōdia* protection, safekeeping, defence, place for safekeeping, responsibility for protecting or taking care of, charge, keeping of a guard, watch, guard post, body of men posted as a guard, protective force, garrison, keeping of a person in confinement, imprisonment, place of confinement, prison, in post-classical Latin also reliquary (9th cent.), subdivision of a province in the Franciscan order (13th cent. in a British source), book cover (1473, 1485 in British sources) < *custōd-*, *custōs* CUSTOS *n.* + *-ia* *-y* suffix³.

Compare Catalan *custòdia*, Spanish *custodia* (both 13th cent.), Portuguese *custódia* (early 14th cent.), Italian *custodia* (mid 13th cent.), and also Middle French *custode* CUSTODE *n.*² (early 15th cent. in sense 'protection, guardianship'), Middle Low German *custodie* container, prison cell, subdivision of a province in the Franciscan order.

1. In the Franciscan order of friars: a subdivision of a province (PROVINCE *n.* 4b). Now chiefly *hist.*

c1400 *Rule St. Francis* (Trin. Dublin) f. 26 Þe mynystris & custodis may..yn þe same 3eer in here custodyes onys clepe to gidre here breþeren to chapitre.

1722 J. STEVENS *Monasticon Hibernicum* 237 I will now Name the said Monasteries from Ware, after observing that he ranks them according to the Provinces of Ireland, and not under the peculiar Custodies or Wardenships of the Order.

1773 F. GROSE *Antiq. Eng. & Wales* I. Pref. 46 At the Dissolution, the Conventual Franciscans had about fifty-five houses, under seven distinct custodies.

1867 *Dublin Univ. Mag.* May 567/2 In the year 1400 these same custodies were maintained, and included sixty convents.

1926 E. HUTTON *Franciscans in Eng., 1224–1538* v. 57 England was divided into the seven Custodies which Bartholomew of Pisa in 1399 enumerates.

2000 B. ROEST *Hist. of Franciscan Educ.* i. 30 These provincial Franciscan study centres predominantly accepted advanced theology students from the custodies within their province.

2. The charge or care of something or someone; protection, defence; guardianship. Later also more generally: possession. Chiefly with *of*, specifying either the custodian, or the thing or person in his or her charge.

With quot. 1652, cf. *Keeper of the Great Seal n.* at *KEEPER n.* 1c.

c1450 (? a1400) *Wars Alexander* (Ashm.) l. 4508 Cupido has þe custodi & cure of þe mawe.

1491–2 *Rolls of Parl.: Henry VII* (Electronic ed.) Parl. Oct. 1491 §19. m. 9 There to rest as your tresour in

the custodie of the seid cheif officer.

- a1535 T. MORE *Hist. Richard III in Wks.* (1557) 49/1 Both..for..a while, to ben in the custody of their mother.
- 1555 R. EDEN tr. Peter Martyr of Angleria *Decades of Newe Worlde* II. i. f. 54 Leauynge the custodie of the fortresse with a certeyne noble gentelman.
- a1626 BACON *Considerations Warre with Spaine in Certaine Misc. Workes* (1629) 42 A lesse Fleet of 30. Ships, for the Custody of the Narrow Seas.
- 1652 E. NICHOLAS *Let.* 5 Dec. in *Papers* (1886) I. 320 When he shall have the custody of the Great Seal.
- 1704 *London Gaz.* No. 4048/4 She [*sc.* a mare] was seen..in custody of a Man.
- 1781 GIBBON *Decline & Fall* III. lxiv. 609 The custody of the passes was neglected.
- 1868 H. H. MILMAN *Ann. St. Paul's Cathedral* xi. 260 How were they in the custody of the Archdeacon, not of the Treasurer, their statutable guardian?
- 1934 A. WOOLLCOTT *While Rome Burns* 13 I regained custody of it and, with the print still rolled in its cardboard mailer, hurried around to the nearest picture-framer.
- 1974 *Times* 20 Feb. 1/5 They would be housed in a hotel in the custody of United States marshals, and would not be allowed to communicate with any non-jurors.
- 1991 T. P. SLAUGHTER *Bloody Dawn* ix. 169 Jackson Johnson and five others 'rescued' his goods from the custody of the law.
- 2004 S. S. BALDWIN *Tiger Claw* xxxi. 434 An autopiano drawn by a scrawny mule in the custody of a jaunty man in overalls came to a stop before the stranded passengers.

3. The position or office of custodian; the duty or responsibility of a custodian. Now *hist.*

Sometimes difficult to distinguish from sense 2.

- 1463–5 *Rolls of Parl.: Edward IV* (Electronic ed.) Parl. Apr. 1463 §40. m. 15 Any graunte..made..to maister William Say..of the custodie or wardenship of the hous or hospitall of Seint Antony in oure cite of London.
- 1609 *Bible* (Douay) I. Num. viii. 26 Thus shalt thou dispose to the Levites in their custodies [L. *in custodiis suis*].
- 1611 J. SPEED *Hist. Great Brit.* IX. ix. 516/2 Who gaue away..such Honours, Custodies, and Dignities, as were vacant.
- 1898 *Cal. Close Rolls: Edward III* III. 15 The king has heard that the constables and keepers of the said castles conduct themselves negligently in their custodies.
- 1918 J. C. DAVIES *Baronial Opposition to Edward II* I. xiv. 332 Weekly markets and fairs, the wardship of lands, the custody of manors were granted.
- 2000 R. V. TURNER & R. HEISER *Reign Richard Lionheart* vi. 104 The Glanvill/Valognes families suffered loss of office, including custodies of Dover and Appleby castles and Newcastle-on-Tyne.

†4. A box, case, or container; (*Christian Church*) a vessel or box used for holding or carrying the consecrated bread of the Eucharist. Cf. CUSTODE *n.*², CUSTODIAL *n.* *Obs. rare.*

- 1483 CAXTON tr. J. de Voragine *Golden Legende* f. ccxl^v/1 His bookes whiche had [not] a custodye [L. *nullum habentes conservatorium*] fyl in the water.
- 1501 in J. B. Paul *Accts. Treasurer Scotl.* (1900) II. 64 For making of ane custodi to ane chalise.
- ?a1549 *Inventory Henry VIII* (1998) I. 64/1 Item one Custodie of the sacramente gilte.

5. The state of being detained by the police or other law enforcement officers; *esp.* confinement in a prison, police station, etc. Also: *spec.* arrest and imprisonment on the basis of suspected criminal activity, typically until trial. Frequently in **to take (a person) into custody**: to arrest and imprison (a person).

- c1503 R. ARNOLD *Chron.* f. xliij^v/2 Whiche obligacion we awarde that they shal remayne and abyde in y^e custody of R. E..and W. w..and citezen of London to kepe in meane hande vnto y^e fest of crystmas.
- 1554 in J. Stuart *Extracts Council Reg. Aberdeen* (1844) I. 281 The saidis baillies suld tak and apprehend the said John Chalmer, and put him in custodie in stark lokfast hows.
- a1616 SHAKESPEARE *Comedy of Errors* (1623) I. i. 155 Iaylor, take him to thy custodie .
- 1632 tr. *Authentick Copy Confessions & Sentences against M. Towerson* 13 in tr. *Remonstr. Directors Netherlands E. India Company* Hee might haue taken them into custody.
- 1665 T. MANLEY tr. H. Grotius *De Rebus Belgicis* IV. 129 He had..committed him to hard and close Custody, more out of suspition, than for any Crimes.
- 1732 POPE *True Narr. what passed in London* in Swift et al. *Misc.: 3rd Vol.* 259 That so Zealous and Honest a Man should be ordered into Custody.
- 1790 J. WHITE *Jrnl. Voy. New S. Wales* 121 The provost marshal..had orders to take into custody all convicts that should be found without the lines.
- 1835 *Penny Cycl.* III. 288/1 Unless they, the bail, pay the costs and money recovered for him, or surrender him to custody.
- 1886 *Fun* 4 Aug. 44/2 A..clerical-looking young man..said he was sober as a judge when taken into custody.
- 1967 *Economist* 25 Mar. 1131/3 One decree, so far unused, imposing fierce penalties for rumour-mongering and another providing for custody without trial.
- 1974 *Globe & Mail (Toronto)* 4 Sept. 1/1 The centre will house men held in custody between court appearances pending their trials.
- 2007 *N.Y. Times* 3 June (Washington Final ed.) 30/1 One of the suspects was taken into custody.

6. Legal responsibility for a child or children; *spec.* †(a) *Feudal Law* the guardianship of a minor, any lands in his or her name, and any profits earned from them until he or she comes of age (*obs.*); (b) the guardianship of a child or children, *esp.* as granted to one of the parents after divorce or separation (cf. *legal guardian n.* at *LEGAL adj.* and *n.* Special uses).

In sense 6(b) a distinction is sometimes made between *legal custody*, the right to make decisions regarding a child's upbringing and welfare (such as on issues relating to his or her education or medical care), and *physical custody*, the responsibility for providing care for a child on a daily basis, a person with custody of this type typically being the person with whom the child lives.

- 1540 *Act 32 Henry VII c. 46 §28 in Statutes of Realm (1963) III. 806* Personnes to whome the Kinges Highnes shall graunte the Custody and wardship of any of his Graces wardis.
- 1592 *W. WEST Symbolæogr. (rev. ed.) II. §374. sig. R.v^v* Our Soueraigne Ladie..do commit and graunt vnto the said G. W. the custodie, wardship, and marryage of T. H. her highnesse ward, sonne and heire of G. H. gentleman deceased.
- 1650 *T. IRELAND Exact Abridgm. Rep. Sir E. Coke III. 68* The Father onely shall have the custody of his sonne and heire apparent, within age, not the Mother, Grandfather, &c.
- 1700 *Baron & Feme xxxiii. 352* The Court fined him 100 l. and Good behaviour for 5 years on Information for deceitful taking away out of her Mother's Custody Mrs. Gilburne, under 16 years old.
- 1722 *G. MACKENZIE Lives Writers Sc. Nation III. 235* Upon the Death of her Father, great Dissentions arose amongst the Nobility, concerning the Regency of the Kingdom during her Minority, and to whom the Custody of her Person should be committed.
- 1839 *Law Mag. 21 145* The wife had obtained a divorce..on the ground of the husband's adultery; she petitioned..to have the custody of her daughter.
- 1891 *Law Times 90 462/1* Where the court refuses a parent the custody of his child.
- 1954 *Househ. Guide & Almanac (News of World) 169/2* The court may make an interim order giving the applicant custody of the child for a probationary period of up to two years.
- 1980 *N.Y. Times (Nexis) 24 Oct. B3/1* The surviving daughters..will return to their mother's custody when she gets out of prison.
- 2007 *Irish Times (Nexis) 4 July 1* The man..went to the High Court in London earlier this week to seek custody of the children under the terms of the Hague Convention.

COMPOUNDS

C1.

a. General *attrib.*, relating to the legal responsibility for, or guardianship of, a child or children (see sense 6), as ***custody case, custody dispute, custody order***, etc.

- 1890 *Liverpool Mercury* 1 Jan. 3/6 If the guardian of the child is acquitted, the custody order will cease.
- 1949 *Calif. Law Rev. 37 475* An unfavorable result does not prejudice the petitioner's rights in a..strict custody suit.
- 1976 *Child Devel. 47 2* A recent Iowa case involved a custody dispute between a child's father and grandparents.
- 1993 *Independent* 26 Feb. 7/8 His lawyers had just told him that he had a good chance of gaining a residency order in the custody proceedings.
- 2008 *Wall St. Jrnl.* 22 Apr. A2/3 Officials hope the samples will help sort out the confusing family relationships in a convoluted custody case.
- 2011 *L. DANIELS Cleaning Nabokov's House 294* We all stood and waited while the judge reviewed the original custody decision.

b.

custody arrangement *n.*

- 1903 *Westm. Budget* 25 Sept. 20/1 He..compared the separation of Arthur Balfour and J. C. to a collusive divorce in which the custody of the child..had been given to the wife... The Duke of Devonshire..had the highest authority and the clearest motive to prevent both the collusion and the singular custody arrangement.
- 1947 *Citizen* 24 Jan. 8/5 Eleven-year-old Delian Hall Bower has arrived in New York from London to spend six months with his mother, Mrs. Violet Fox, under a split custody arrangement.
- 2011 M. E. ADDIS *Invisible Men* viii. 213 Many custody arrangements result in men seeing their children less often than when they were married.

custody battle *n.*

- 1928 *Bridgeport (Connecticut) Telegram* 22 Feb. 13/2 (*headline*) Former Greenwich tax collector's grandson center of custody battle.
- 1964 *Columbia Law Rev.* 64 1549 The offense..will almost invariably be committed during a custody battle between separated parents.
- 2004 *Wanderlust* June 81 The subject of a drawn-out custody battle, South Tyrol has been left something of a mixed-up kid.

custody hearing *n.*

- 1924 *N.Y. Times* 21 Sept. 12/2 Mr Schreiber denied any intention of using the custody hearing evidence in the coming divorce case.
- 1959 *Leader-Times (Kittanning, Pa.)* 31 Dec. 1/6 The attorney..served notice he would reopen the custody hearing after taking depositions.
- 2013 *Age (Melbourne) (Nexis)* 28 June 16 Vulnerable children will have to attend fewer custody hearings as part of state reforms to make court proceedings less adversarial for minors.

custody rights *n.*

- 1937 *N.Y. Times* 27 Apr. 18/4 His client would make his application to the Los Angeles Superior Court when his ex-wife's custody rights expire.
- 1985 M. GROSSBERG *Governing Hearth* vii. 244 An 1854 address to the New York legislature set forth the basic arguments advanced in support of equal custody rights.
- 2013 *Daily Tel.* 31 July 15/4 Marital property and custody rights of their two daughters may be in dispute.

C2.

a. General *attrib.*, relating to the detainment of prisoners or suspects (see sense 5), as ***custody facility***, ***custody record***, ***custody suite***, etc.

- 1949 *Handbk. Correctional Inst. Design & Constr.* vii. 103/1 Seagoville is the outstanding

demonstration..of the use of minimum custody facilities for inmates who are ordinarily classified as security risks.

- 1981 *N.Y. Times* 19 May B12/3 (*headline*) Navy shuts custody units on ships while inquiry on death continues.
- 1991 *Brit. Jرنل. Criminol.* **21** 349 Our study of detention lengths involved the examination of 2,844 custody records from three selected sub-divisions.
- 2002 *Times* 17 Sept. 3/3 From Denby, it's three-quarters of an hour's drive to our main custody block.
- 2010 *Guardian* 2 Nov. (G2 section) 25/1 Hats off to the gavvers for allowing the cameras in to the Medway custody suite in Gillingham, Kent.

b.

custody officer *n.*

- 1875 *Western Times (Exeter)* 26 June 3/2 She refused to obey the request of the custody officer to leave the dock for the cells.
- 1965 *Jرنل. Criminal Law, Criminol., & Police Sci.* **56** 186/2 It is the custody officer who is in daily contact with the inmates.
- 2015 *Nottingham Post (Nexis)* 3 Apr. 20 A mother and daughter were led away in handcuffs by custody officers after magistrates sent them both to jail.

custody sergeant *n.*

- 1984 *West's Calif. Reporter* **197** 438/1 The custody sergeant at the jail..advised the detectives conducting the lineup that defendant's attorney should be notified.
- 2015 *Sheffield Tel. (Nexis)* 12 Mar. Custody sergeants received written warnings from the force after a misconduct meeting.

C3.

custody land *n.* (also with capital initials) now *hist.* and *rare* a type of Crown land in Great Britain of which the revenue is paid to the Clerk of the Pipe (see PIPE *n.*¹ 10a).

In quots. only in *pl.*

- a1614 W. COPE *Apol. R. Cecil* in J. Gutch *Collectanea Curiosa* (1781) I. x. 122 Custody Lands, anciently termed the Crown Lands, answered in the Pipe.
- a1631 R. COTTON in J. Howell *Cottoni Posthuma* (1651) 179 The Kings raise money..By passing in Fee-farm, except places of the Kings Residence, Parks, [etc.], which remain either in the annexation, custody lands, or Queens jointure, and exceed not yearly 32000. l.
- 1757 S. PATERSON *Catal. Coll. Manuscripts Sir. J. Caesar* 51 A copy of a commission to the lord-treasurer and chancellor of the Exchequer, for..custody lands for 60 years.
- 1992 R. W. HOYLE *Estates of Eng. Crown, 1558–1640* i. 6 The oldest (and most obscure) were the lands under the charge of the sheriffs, the so-called custody lands.

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