
AMENDMENTS TO
RULES OF CRIMINAL PROCEDURE
FOR THE
UNITED STATES DISTRICT COURTS

Effective July 8, 1956.

The following amendments to the Rules of Criminal Procedure for the United States District Courts were prescribed by the Supreme Court of the United States on April 9, 1956, pursuant to 18 U. S. C. § 3771, which provides, in part, that, "Such rules shall not take effect until they have been reported to Congress by the Chief Justice at or after the beginning of a regular session thereof but not later than the first day of May, and until the expiration of ninety days after they have been thus reported." They were reported to Congress by THE CHIEF JUSTICE on April 9, 1956, *post*, p. 1019, and became effective on July 8, 1956.

For earlier publications of the Rules of Criminal Procedure and the amendments thereto, see 327 U. S. 821, 335 U. S. 917, 949, 346 U. S. 941.



LETTER OF TRANSMITTAL

SUPREME COURT OF THE UNITED STATES
WASHINGTON, D. C.

APRIL 9, 1956.

*To the Senate and The House of Representatives of the
United States of America in Congress assembled:*

By direction of the Supreme Court and pursuant to the Act of June 25, 1948, chapter 645 (62 Stat. 683), as amended by the Act of May 24, 1949, chapter 139, section 59 (63 Stat. 98), Title 18, U. S. C., § 3771, I have the honor to report to the Congress during a regular session thereof commencing the third day of January, 1956, the enclosed amendments to the Rules of Criminal Procedure for the United States District Courts.

These amendments to the Rules were adopted by the Supreme Court pursuant to the Acts above mentioned.

Respectfully yours,

(Signed) EARL WARREN,
Chief Justice of the United States.

ORDER.

ORDERED:

1. That Rules 41 (a), 46 (a)(2), 54 (a)(1), and 54 (c) of the Rules of Criminal Procedure for the United States District Courts be, and they hereby are, amended as hereinafter set forth.

2. That THE CHIEF JUSTICE be authorized to report these amendments to Congress in accordance with the provisions of Title 18, U. S. C., § 3771.

APRIL 9, 1956.

AMENDMENTS TO RULES OF CRIMINAL PROCEDURE
FOR THE
UNITED STATES DISTRICT COURTS

“RULE 41 (a).

“(a) AUTHORITY TO ISSUE WARRANT. A search warrant authorized by this rule may be issued by a judge of the United States or of a state, commonwealth, or territorial court of record or by a United States commissioner within the district wherein the property sought is located.

“RULE 46 (a)(2).

“(2) UPON REVIEW. Bail may be allowed pending appeal or certiorari unless it appears that the appeal is frivolous or taken for delay. Pending appeal to a court of appeals, bail may be allowed by the trial judge, by the court of appeals, or by any judge thereof or by the circuit justice, to run until final termination of the proceedings in all courts. Pending appeal or certiorari to the Supreme Court, bail may be allowed by the court of appeals or by any judge thereof or by the Supreme Court or by a Justice thereof. Any Court or any judge or justice authorized to grant bail may at any time revoke the order admitting the defendant to bail.

“RULE 54 (a)(1).

“(1) *Courts.* These rules apply to all criminal proceedings in the United States District Courts, which include the District Court for the Territory of Alaska, the District Court of Guam, and the District Court of the Virgin Islands; in the United States Courts of Appeals; and in the Supreme Court of the United States; except that all offenses shall continue to be prosecuted in the District

Court of Guam and in the District Court of the Virgin Islands by information as heretofore except such as may be required by local law to be prosecuted by indictment by grand jury. The rules governing proceedings after verdict or finding of guilt or plea of guilty apply in the United States District Court for the District of the Canal Zone.

“RULE 54 (c).

“(c) APPLICATION OF TERMS. As used in these rules the term ‘State’ includes District of Columbia, Puerto Rico, territory and insular possession. ‘Law’ includes statutes and judicial decisions. ‘Act of Congress’ includes any act of Congress locally applicable to and in force in the District of Columbia, in Puerto Rico, in a territory or in an insular possession. ‘District court’ includes all district courts named in subdivision (a), paragraph (1) of this rule. ‘Civil action’ refers to a civil action in a district court. ‘Oath’ includes affirmations. ‘Attorney for the government’ means the Attorney General, an authorized assistant of the Attorney General, a United States Attorney, an authorized assistant of a United States Attorney, and when applicable to cases arising under the laws of Guam means the Attorney General of Guam or such other person or persons as may be authorized by the laws of Guam to act therein. The words ‘demurrer,’ ‘motion to quash,’ ‘plea in abatement,’ ‘plea in bar,’ and ‘special plea in bar,’ or words to the same effect, in any act of Congress shall be construed to mean the motion raising a defense or objection provided in Rule 12.”