

THE SUPREMA CORTE DE JUSTICIA  
IN MEXICO: ITS FIRST STEP  
1825-1826

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In general, then, the judge should,  
we say, be allowed to decide as  
few things as possible.

Aristotle, *Rhetoric*, Book 1

Due in part to the polemics and political conflicts of the first decades following Mexican independence, the history of the only stable early national political institution has remained largely unknown. That institution was the national Suprema Corte de Justicia. In very recent years interest in the history and development of nation's judicial power has surged and several new works have appeared to complement the traditional historiography, which includes Jacinto Pallares *El Poder Judicial* (México: Imprenta del Comercio de Nabor Chávez, 1874) and Francisco Parada Gay, *Breve reseña histórica de la Suprema Corte de la Nación* (México: Antigua Imprenta de Murguía, 1929). These new works, particularly *La Suprema Corte de Justicia. Sus orígenes y primeros años, 1808-1847* (México: Suprema Corte de Justicia, 1986) and José Luis Soberanes F., *Sobre el origen de la Suprema Corte de Justicia de la Nación* (México: Instituto de Investigaciones Jurídicas, UNAM, 1987) offer new approaches and vistas for the study of the history of law and legal institutions in nineteenth century Mexico. The former is especially instructive because it is based principally on judicial documentation rather than legislative sources. Complementing that work, this study also draws principally from judicial documents, most specifically from the Archivo de la Suprema Corte de Justicia. This essay explores the activities of the first magistrates of the Suprema Corte de Justicia before Congress passed vital enabling legislation that would permit federal jurists to exercise judicial power.

With deliberate patience, the first magistrates of the nation's high court organized the basic administrative routines of the federal judiciary while waiting for congress to develop the necessary regulations and laws that would empower the Court.

The early national Suprema Corte de Justicia had its jurisprudential roots in over three hundred years of colonial heritage; its organizational and functional roots, however, are traceable only to the 1812 constitution of Cadiz and the 1824 Mexican Acta Constitutiva and the 1824 Mexican federal constitution. In accordance with Title V of the 1824 Mexican federal constitution, the nation's judicial power resided in the federal Suprema Corte de Justicia, inferior federal courts yet to be established, and in state and local courts. The internal functioning of the Court was to be based on that set down by the Cadiz deputies for the Tribunal Supremo de España. The constitutional vestiture of the judicial power in the Suprema Corte de Justicia did not however empower the Mexican federal judiciary. First, the magistrates of the Suprema Corte de Justicia had to be elected; and second, even though Congress officially approved the state elections of the first eleven magistrates and the fiscal on 23 december 1824, those men had to wait nearly a year and a half before for Congress passed enabling legislation that permitted them to exercise the nation's judicial power. During that year in addition to lacking enabling legislation, the Suprema Corte de Justicia lacked staff, budget, and adequate facilities for the three chambers of the court. Many of its activities contributed to overcoming these initial problems.

The first magistrates took their oaths of office on 15 march 1825. Writing shortly thereafter to President Guadalupe Victoria, they informed him that they could not exercise the responsibilities of their office "...por falta absoluta de manos subalternas... también por defecto de utensilios propios y correspondientes...". Receiving no response to that first letter, they sent another several weeks later, reiterating the problems they had due to the lack of asistants. The magistrates also asked the chief executive to send them a list of empleados cesantes, employees whose jobs disappeared when congress reorganized the bureaucracy, from which they could select provisional staff.<sup>1</sup> This initial effort to find qualified subalterns led to the provisional appointment of several secretaries and scribes by early may

<sup>1</sup> Archivo de la Suprema Corte de Justicia, Libro 601, Libro copiador de la Suprema Corte de Justicia. Número 1, 1825 [SCJ] al exmo. señor presidente Guadalupe Victoria, 8 abril 1825. (De aquí en adelante ASCJ, Libro 601.)

1825. The magistrates wrote to the Ministry of Hacienda in mid-may informing him of their satisfaction with the cesantes they had employed, requesting that their names be added to the judiciary's payroll and that the president order that they not be transferred to any other government post because "...se dé la satisfacción de la alta corte su comportamiento".<sup>2</sup>

Staffing problems were but some of the problems the magistrates dealt with in 1825 and early 1826. They called attention to the frustrations they faced in their draft proposed budget on 6 May 1825 when they urged congress to empower the Suprema Corte de Justicia to exercise full and complete judicial power. Neither that draft budget nor their appeal received the immediate attention in the Chamber of Deputies. As a result, two weeks later with the congressional recess rapidly approaching, the magistrates again wrote to congress, this time requesting preferential action on the budget and enabling legislation. They needed an authorized budget in order to employ a full complement of staff for the three chambers of the court. They needed monies for furniture for the three chambers, "...por que sería muy molesto e indecente, que cuanto tuvieran que reunirse los magistrados en la sala primera fuesen cargando con las sillas, y tinteros a las otras..." They also needed a dais, as symbol of superior authority, noting that the president, the two chambers of congress, and state courts possessed that symbol. In this second letter, the magistrates argued that their 15,000 pesos request was less than the 16,000 pesos that congress spent adorning and furnishing congressional chambers and considerably less than the 30,000 pesos that the deputies had appropriated for their chamber's annual operating budget.<sup>3</sup>

Contrary to the urgings of the magistrates, the Chambers of Deputies did not pass an operating budget or enabling legislation for the federal judiciary in 1825. Consequently, The Suprema Corte de Justicia relied on the cooperation and generosity of the executive branch for paper, ink, inkwells, a small hand bell, and other minor items. Juan Gómez Navarrete and Juan Raz y Guzmán were commissioned to deal with those economic and material concerns. Evidently on their recommendation and to keep expenses to a minimum, the magistrates in mid-june 1825 asked the Ministry of Hacienda to supply the court

<sup>2</sup> ASCJ, Libro 601 [SCJ] al Ministerio de Justicia y Negocios Eclesiásticos, 19 mayo 1825.

<sup>3</sup> ASCJ, Libro 601 [SCJ] a los señores diputados secretarios de la Cámara de Diputados del Congreso, 20 mayo 1825.

with several reams of paper from the government's general warehouses so as to avoid the high cost of retail purchases.<sup>4</sup>

According to the expense report submitted to the Ministry of Hacienda in early July, the magistrates obviously limited their operating costs. Of the 36 pesos expended between April and July, 15 pesos were spent on paper and 10 pesos on ink. Frugality continued to characterize the court throughout the remainder of the year. Regular expenses included one peso a month for candles and 16 pesos a month for a messenger boy who delivered correspondence to various government offices and carried official documents to the post office. Infrequent expenses included payments to street porters who delivered newly built pieces of furniture; inkwells to replace a borrowed one that its owners wished returned; and pens, pencils, candle sticks, and candle snuffers.<sup>5</sup>

While frustrated by lack of congressional attention to the Court's need for a budget and enabling legislation, the magistrates must have been pleased when Congress allocated funds for the remodeling of several rooms in the National Palace for permanent Suprema Corte de Justicia chambers. And the magistrates were pleased with the generous offer of the Ministry of Hacienda to use the residential quarters of the colonial director of customs in the old Customs House while permanent facilities were under construction in the palace.<sup>6</sup> The magistrates moved the Court to the rooms in the Customs House in July 1825 and convened there until their chambers in the palace were ready the following May.<sup>7</sup>

The lack of enabling legislation that would permit the Suprema Corte de Justicia to exercise judicial power did not mean that the court was without work. The magistrates received a considerable amount of correspondence. The nature and extent of that correspondence are evident in the draft letters that the court's secretariat recorded in the copy books. Among that correspondence in 1825 were a number of requests for review of criminal sentences from the first instance court in the territory of Colima, reviews that would have to be handled by a federal circuit court once Congress passed the enabling

<sup>4</sup> ASCJ, Libro 601 [SCJ] al secretario de Hacienda y Guerra, Ignacio Esteva, 15 junio 1825.

<sup>5</sup> ASCJ, Libro 601 [SCJ] al Ministerio de Hacienda, México, 12 agosto, 13 septiembre, 10 octubre, 18 noviembre y 20 diciembre 1825.

<sup>6</sup> ASCJ, Libro 601 [SCJ] al Ministerio de Hacienda, México, 9 julio 1825.

<sup>7</sup> ASCJ, Libro 602, libro copiador de la Suprema Corte de Justicia en el año de 1826 [SCJ] al Ministerio de Justicia y Negocios Eclesiásticos, México, 23 mayo 1826. (De aquí en adelante Libro 602.)

legislation for district and circuit courts and their staffing.<sup>8</sup> The court also reviewed at least eight requests for a determination of jurisdictional competence. Three of those involved contraband and smuggling cases.<sup>9</sup> Four involved jurisdictional disputes in civil matters.<sup>10</sup> And one case involved a dispute over jurisdiction in a criminal case.<sup>11</sup>

The Court also received several cases that it perceived outside its purview. One was an appellate case. It concerned a 16,000 pesos prize from a 1805 lottery drawing; in that case the magistrates informed the Ministry of Justice and Ecclesiastical Affairs that they were not empowered to make a determination because the case had originated in a Mexico City *juzgado de letras* and the Supreme Court, according to the constitution, was the appellate court for inferior federal courts but not for the Mexico City courts.<sup>12</sup> Under current legislation there was no defined appellate court. The Court received two other cases that the fiscal and the magistrates determined were outside their jurisdiction; those they returned with recommendations for remittance to the appropriate authorities. The first of those involved a dispute between the Ayuntamiento of Patzcuaro and the governor of Michoacan over the reinstatement of a lieutenant colonel in the civil militia. The magistrates recommended that case most properly needed to be settled by congress because no extant law specifically applied to the situation and as a result the case involved an interpretation of law or would require specific legislation before the dispute could be resolved.<sup>13</sup> The second case the court remitted because the magistrates deemed it outside their jurisdiction, concerned an indictment brought

<sup>8</sup> ASCJ, Libro 601 [SCJ] al Alcalde Constitucional y Juez de Primera Instancia en Colima, México, 1 julio, 12 agosto, 29 agosto, 10 septiembre, 23 septiembre, 27 septiembre, 5 octubre, 11 octubre, 18 octubre, 4 noviembre, 8 noviembre y 15 noviembre 1825.

<sup>9</sup> ASCJ, Libro 601 [SCJ] al administrador de rentas en Chihuahua, Pedro Olivares, México, 30 abril 1825; [SCJ] al Tribunal Supletorio de Guerra, México, 18 octubre 1825, y [SCJ] al juez de letras en Alvarado, licenciado Carlos Hernández Barrutia, México, 15 noviembre, 1825.

<sup>10</sup> ASCJ, Libro 601 [SCJ] al juez de Primera Instancia de Tehuacán, José Mariano de Orea, México, 11 mayo 1825; [SCJ] al alcalde constitucional y juez de Primera Instancia de Apam, México, 29 agosto 1825; [SCJ] al Ayuntamiento de San Lorenzo Guapiastla, México, 29 agosto 1825, y [SCJ] al alcalde constitucional de Huamantla, Manuel Ortega, México, 18 noviembre 1825.

<sup>11</sup> ASCJ, Libro 601 [SCJ] al alcalde primero de Tepeaca, Juan Ayres, México, 23 julio 1825.

<sup>12</sup> ASCJ, Libro 601 [SCJ] al Ministerio de Justicia y Negocios Eclesiásticos, 20 septiembre 1825.

<sup>13</sup> ASCJ, Libro 601 [SCJ] al Ayuntamiento de Pátzcuaro, México, 21 mayo 1825, y [SCJ] al Ayuntamiento de Pátzcuaro, México, 14 junio 1825.

against a grenadier, a case that the ministry of war had sent to the Suprema Corte de Justicia in march before congress provisionally authorized the Tribunal Supletorio de Guerra to hear cases in the military jurisdiction. After congress provisionally authorized that tribunal, the Suprema Corte de Justicia returned the case to the ministry of war so it could be forwarded to the proper court.<sup>14</sup> Throughout 1825 and into the spring of 1826 the magistrates did not adjudicate either the above mentioned or any other cases. They did not do so because, as they informed the Ministry of Justice and Ecclesiastical Affairs in march of 1826, the Suprema Corte de Justicia did not have the services of a notary qualified to certify judicial proceedings, a necessary procedure for such proceedings to be legal.<sup>15</sup>

Rather than engage in adjudication, the magistrates paid considerable attention to the establishing basic administrative routines. Chief among those was the creation of a system of communication between itself and the various federal and state authorities throughout the republic. It was also vital for the magistrates to have copies of all state and federal laws and decrees because those were basic statutes on which they would be adjudicating cases. And one of the first communiques the Suprema Corte de Justicia sent during the first month of operation was a circular to all state congresses requesting copies of all constitutions, laws, and decrees already on the books and all laws and decrees that those congresses might authorize in the future.<sup>16</sup> The court had already begun to receive circulars, laws, and decrees issued by federal executive offices. To complete those compilations, the magistrates formally requested that the ministries of war, hacienda, and relations send complete compilations of all laws and decrees issued since the establishment of independence.<sup>17</sup> The ministries of war and hacienda complied with this request by the end of august 1825.<sup>18</sup> The ministry of relations also responded, but not with a complete compilation of all relevant documents. Writing in december 1825 and again in may 1826, the Court noted that the ministry of relations had supplied all relevant documents circulated after 1 november 1823. The Court

<sup>14</sup> ASCJ, Libro 601 [SCJ] al Ministerio de Guerra, México [ ] agosto 1825.

<sup>15</sup> ASCJ, Libro 602 [SCJ] al Ministerio de Justicia y Negocios Eclesiásticos, México, 3 marzo 1826.

<sup>16</sup> ASCJ, Libro 601 [SCJ] a los congresos estatales, México, 13 abril 1825.

<sup>17</sup> ASCJ, Libro 601 [SCJ] a los Ministerios de Guerra, Hacienda y Relaciones, México, 4 agosto 1825.

<sup>18</sup> ASCJ, Libro 601 [SCJ] al Ministerio de Guerra y Marina, México, 10 agosto 1825, y [SCJ] al Ministerio de Hacienda, México, 24 agosto 1825.

reiterated its need for a complete compilation of laws and decrees issued since independence including those issued between september 1821 and november 1823.<sup>19</sup>

The Court also endeavored to inform all appropriate federal and state officials that, because the court was composed of three chambers that acted independently of one another, the Court needed three copies of all official documents.<sup>20</sup> Once informed of the needs of the Court, state and federal authorities tried to meet those needs. Within several months the court began to receive multiple copies of circulars, laws, and decrees along with copies of constitutions and draft constitutions. One of the few exceptions came from the state of Tabasco. The governor of Tabasco sent the court one manuscript copy of each of three pieces of legislation the state congress had passed by the fall of 1825. The magistrates acknowledged receipt of those decrees and added that when the state printed them, the Court would appreciate three copies of each.<sup>21</sup>

While waiting for Congress to pass enabling legislation, the Court also addressed some of the unforeseen issues that accompanied the creation of the new federal judiciary. One of the most significant issues the Court addressed in the waning months of 1825 was lack of legislation to establish the mechanism for replacing Supreme Court magistrates. This issue arose because one of those elected to serve, Francisco Antonio Tarrazo, had yet to inform the government of either his willingness or unwillingness to serve on the Court. The absence of one magistrate under the circumstances was not a major problem; nevertheless, as the sitting jurists stated, once congress did pass enabling legislation, the work of the judiciary would require the presence of all eleven magistrates. They brought this problem to the

<sup>19</sup> ASCJ, Libro 601 [SCJ] al Ministerio de Justicia y Negocios Eclesiásticos, México, 16 diciembre 1825 y marginalia.

<sup>20</sup> ASCJ, Libro 601 [SCJ] a los secretarios diputados del Honorable Congreso del Estado de Michoacán, México, 18 mayo 1825; [SCJ] al gobernador de Oaxaca, Ignacio Morales, México, 20 mayo 1825; [SCJ] al gobernador de Jalisco, Prsiliano Sánchez, México, 21 mayo 1825; [SCJ] al gobernador del Estado de Michoacán, Antonio de Castro, México, 11 junio 1825; [SCJ] al gobernador del Estado de Puebla, José María Calderón, México, 11 junio 1825; [SCJ] a los secretarios diputados del Honorable Congreso del Estado de Yucatán, México, 23 junio 1825; [SCJ] al gobernador del Distrito Federal, Brgadier General José Maria Mendivil, México, 1 julio 1825; [SCJ] al secretario de la diputación permanente del Honorable Congreso del Estado de Veracruz en Jalapa, México, 2 julio 1825, y [SCJ] al gobernador de Querétaro, Andrés Quintanar, México, 14 octubre 1825.

<sup>21</sup> ASCJ, Libro 601 [SCJ] al gobernador del Estado de Tabasco en Villahermosa, México, 14 octubre 1825.

attention of the government in a 15 november 1825 letter to the Ministry of Justice when they asked that President Guadalupe Victoria officially request Tarrazo to inform the government of his acceptance or rejection of his election to the Court.<sup>22</sup> Of greater concern was the absence of legislation authorizing a mechanism for replacing magistrates. In that regard, congress did not act to fill that void in legislation for the judiciary for another eighteen months.<sup>23</sup>

Congress did begin to authorize enabling legislation in early 1826. It authorized on 14 february the "Bases para el Reglamento de la Suprema Corte", based on the draft document for the internal administration of the Court that the magistrates had submitted shortly after taking office. That provisional legislation, though, did not fully empower the federal judiciary or the Suprema Corte de Justicia. Still, the Court acted immediately, formally convoking the Tribunal Pleno the following day. As their first solemn official act, the Tribunal Pleno sent copies of their convocation to the press and congress and to federal, state, military, and ecclesiastical authorities throughout the country.<sup>24</sup>

Within a week of the passage of the provisional by-laws, the Court began to act to establish its jurisdiction. It informed the Ministry of Justice that in accordance with those by-laws and in the absence of inferior federal courts, it would assume first, second, and third instance jurisdiction for cases involving smuggling, admiralty violations, and the seizure of illegal goods. Those kinds of cases involved matters of public finance. The Court also assumed competence for those cases

<sup>22</sup> ASCJ, Libro 601 [SCJ] al secretario de Justicia y Negocios Eclesiásticos, México, 15 noviembre 1825. The Court never did hear directly from Tarrazo or the executive concerning his membership on the Court; the Court did learn over a year later, though, that he had become a federal senator for Campeche. ASCJ, Libro 603, Secretaría de la Primera Sala de la Suprema Corte de Justicia. Años 1827, 28, 29, 30, 31. Libro copiador de oficios [SCJ] al secretario de Justicia y Negocios Eclesiásticos, México 5 enero 1827.

<sup>23</sup> Ley sobre elecciones de los individuos de la Corte Suprema, 21 de mayo de 1827.

<sup>24</sup> ASCJ, Libro 602 [SCJ] a los editores de *El Águila*, México, 15 febrero 1826; a los señores diputados secretarios, México, 22 febrero 1826; and note indicating copies of the Acta were sent to the secretario de Justicia y Negocios Eclesiásticos, Ilustrísimo señor Dean y Cabildo de esta Santa Iglesia Metropolitana, al señor abad de la Insigne Colegiata de Nuestra Señora de Guadalupe, el gobernador del Distrito, el Ayuntamiento de México, el Supremo Tribunal del Estado de México, la Excelentísima Audiencia del Estado de México, los gobernadores de los estados, el jefe del Estado Mayor, y los comandantes generales.

that remained pending from the colonial Junta Superior de Real Hacienda, the court of first instance in such matters.<sup>25</sup>

Even though provisionally empowered to proceed as a judicial body, before the Court could initiate judicial proceedings, as mentioned above, it needed to employ a notary to certify the legality of judicial decisions, this according to extrant applicable legal codes. To address that problem, the Court named Félix Fernando Zamorano as the provisional notary for judicial proceedings. The magistrates perceived Zamorano's appointment as potentially controversial because he was not listed as an official *empleado cesante* in the documents that the Court had received from the justice ministry; according to the 14 bebruary 1826 provisional by-laws the Court was required to choose its staff from among those unemployed bureaucrats. The Court justified its selection of Zamorano on two grounds: first, there were not qualified notaries in the list of *empleados cesantes*; and, second, Zamorano and the Court claimed that he should be recognized as an official *empleado cesante* because he had been the notary for the judicial proceedings of the Tribunal of the Consulado before it was abolished by Congress. To avoid any problems over Zamorano's appointment, the magistrates requested that the president formally declare Zamorano a *cesante*. The executive responded, two months later, informing the Court that indeed Zamorano was a legitimate *cesante*.<sup>26</sup>

The Court also availed itself of the opportunity provided by that initial congressional legislation, which required the Court to certify publicly its labors, to address their concerns about the delay in legislation to the public at large. The public certification the Court drafted in april 1826 was addressed to the editors of *El Aguila* and *El Sol*, both widely read newspapers that covered the political events of the day. It read, in part:

... Que aunque su instalación fue desde el 15 de marzo del año próximo pasado no teniendo ley que designase la forma y modo de proceder, redujo sus tareas a solo las contestaciones oficiales que ya de los Ministerios ya de las autoridades políticas y civiles de los estados, distritos y territorios —se ofrecían recibiendo algunos expedientes que no pudiendose despachar. . . no tener el Señor Fiscal escribientes: y no haber manos subalternos. . . se han despachado

<sup>25</sup> ASCJ, Libro 602 [SCJ] al secretario de Justicia y Negocios Eclesiásticos, México, 21 febrero 1825.

<sup>26</sup> ASCJ, Libro 602 [SCJ] al Secretario de Justicia y Negocios Eclesiásticos, México, 3 marzo 1826.

68 expedientes unos definitivamente, y otros en trámite dándose vista de los más de ellas al Señor Fiscal. . . 23 causas criminales de solo el territorio de Colima estan reservadas para cuando se nombren los Tribunales de Circuito, y con el mismo fin 5 expedientes civiles, todos sobre presas de mar y comisos. . . 2 exposiciones diferentes y solamente un expediente cumulosísimo. . . Además ha habido diferentes acuerdos, se han hecho diversas consultas al Supremo Gobierno se ha formado el Reglamento que actualmente se esta discutiendo en las Cámaras: y esta trabajandose el Proyecto de Aranceles por la comisión que se anunció en la circular del 17 de próximo pasado febrero; también se ha dado cuenta y extractado la multitud de instancias dirigidas en solicitud de las plazas de secretaría, subalternos del ella demás de la Suprema Corte, y para las propuestas de los Tribunales de Circuito y distrito: se han organizado los archivos de las tres secretarías: se han comunicado los circuyares y decretos comunicados por los diferentes gobiernos de la federación, y cada uno de los Estados contestandose los oficios de remisión que se han ofrecido dejando la correspondiente minuta de unos y otros. . . 17 de abril de 1826.

The following month congress did finally pass a series of legislation that empowered the Suprema Corte de Justicia and the federal judiciary. That legislation included a law that required the Suprema Corte de Justicia to act as the civil and criminal court of second and third instance for cases originating in the first instance court of the federal district and territories (9 mayo 1826) —a law that significantly amended the constitutional responsibilities of the federal supreme court; permanent by-laws defining the jurisdictional competences, internal structure, and administrative procedures of the Suprema Corte de Justicia (13 mayo 1826); by-laws defining the competence, internal structure, and administrative procedures for federal circuit and district courts (20 mayo 1826); and a law abolishing the judicial prerogatives of the Tribunal de Minería, the colonial court of first instance for cases involving disputes concerning mines and mining matters (20 mayo 1826). Finally, before the end of the month the federal government officially announced that candidates for federal circuit and district judgeships should submit their applications.<sup>27</sup>

While undoubtedly relieved that congress had finally empowered the federal judiciary, the magistrates were concerned about some of the

<sup>27</sup> ASCJ, Libro 602 [SCJ] al secretario de Justicia y Negocios Eclesiásticos, 19 agosto 1826.

may 1826 legislation. Specifically, the by-laws governing the Suprema Corte de Justicia did not take into account the extra case load that would be inevitable when the Court assumed the dual role as federal supreme court and federal district and territorial appellate court. Writing to the Ministry of Justice on 10 may 1826, the day after congress passed that particular legislation, the Court stated that it would do all in its power to fulfill that responsibility and had commissioned two of its colleagues to arrange the procedures for the transfer of pertinent appellate cases, especially those currently being handled by the State of Mexico. Moreover, the government needed to recognize some problems with that legislation. First, the Court was currently acting in accordance with those laws that defined and delimited the powers and prerogatives of the Tribunal Supremo de España under the 1812 Spanish constitution. Those regulations did not specify how the Court should conduct itself as an ordinary appellate court. Equally important, the Suprema Corte de Justicia had no basis for employing assistant public prosecutors, officials whose services would be absolutely necessary to process the innumerable appellate cases from the federal district and territories. Solons, executive branch officials, and federal jurists were of one opinion on the absolute necessity to rectify these oversights in the 9 may legislation. Congress acted before the end of the month, decreeing that the Suprema Corte de Justicia in its role as federal district and territory appellate court should assume the attributes of a territorial audiencia, as laid down by the Spanish Cortes in its 9 october 1812 by-laws for such courts, for the federal district and territories.<sup>28</sup>

With that final piece of legislation the Suprema Corte de Justicia acted quickly to complete the staffing its offices and initiate its activities as a three chamber federal supreme court and a three chamber appellate audiencia. It informed the Ministry of Justice on 27 may 1826 that by majority vote in plenum it had elected two assistant public prosecutors to handle the appellate cases from the federal district and territories. Several days later on 2 june 1826 it informed the same secretary that by majority vote in plenum it had elected a full complement of staff —three secretaries, six clerks, five scribes, three concierges, an official to adjudge court costs, an official to receive and deliver official correspondence, and the notary Zamorano. By early June 1826 the magistrates were exercising the powers and pre-

<sup>28</sup> ASCJ, Libro 602 [SCJ] al secretario de Justicia y Negocios Eclesiásticos, México, 26 mayo 1826.

rogatives of the nation's high court. With their basic administrative routines established, their chambers adequately furnished, and their staff adequately trained and with experience in the jurisprudential traditions which the Suprema Corte de Justicia inherited, the first generation of magistrates acted with political disinterest and established an early tradition of a collaborative but independent judiciary.