

# MOONDYNE JOE IN COURT – 1865

## REALISTIC DRAMA – A play in two scenes

**Suitable Years:** 5 to 10

**Number of Students:** 8 or 9

### **Cast:**

Resident Magistrate Cowan  
Moondyne Joe - *a convict*  
Trooper (Police Constable) Hayden  
Clerk of the Court - *respectably dressed*  
Evans - *another convict, non speaking part*  
Town Persons  
Carter

### **Venue:**

York Courthouse Complex, 1874 Courtroom

### **Synopsis:**

Moondyne Joe was captured by PC Hayden and two Aboriginal Police Assistants after escaping from a work party at Canning River. After his capture, Moondyne Joe asked to speak with the Resident Magistrate. What happened in that interview can only be imagined. What is known is that Magistrate Cowan defied instructions from Governor Hampton to send Moondyne Joe directly to Perth for sentencing. Moondyne Joe was only charged with unlawful use of a gun and escaping from a work party instead of the much more serious charge of stealing a gun.

### **Costume:**

York Courthouse Complex has some costumes available for student use. Ask at time of booking.



## MOONDYNE JOE IN COURT – 1865

### Scene One

*Trooper Hayden escorts Moondyne Joe to the Judge's bench. Joe would be wearing shackles on his feet and his hands would be tied behind his back. He waits before the Resident Magistrate who is reading from the mail he has received from Governor Hampton.*

*[NB: Teacher's discretion to be used for Moondyne Joe's restraining]*

- RM COWAN                    Joseph Johns. You asked to speak with me?
- MOONDYNE JOE            I wish to plead my case Your Worship. I am an innocent man.
- RM COWAN                    I have instructions here from Governor Hampton to send you to the Perth Court immediately.
- MOONDYNE JOE            Let me speak with you first Your Worship then do what you will. I know you to be a fair man and a just one.
- RM COWAN                    *(Impatiently)*
- You have led us all a very long and costly chase. You cannot expect much sympathy.
- MOONDYNE JOE            I am innocent Your Worship. I have been foolish. I was accused of killing an ox but I did not kill that animal. I wrote a false letter trying to provide proof of my innocence. I am guilty of deception but that is all.
- RM COWAN                    I will think on this Johns. This is a small colony and a man is only as good as his reputation. You seem to be well liked and respected among your own peers and others.
- While you are certainly guilty of absconding from a road gang at the Canning River, you have not been violent or harmed anyone as far as I can ascertain.
- MOONDYNE JOE            That is true. Please think kindly on my case. That is all I ask Your Worship.
- TROOPER  
HAYDEN                      May I speak Your Worship?
- RM COWAN                    Yes PC Hayden. What do you wish to say?
- TROOPER  
HAYDEN                      When we captured Johns there was a loaded double barrel gun next to the other escaped prisoner, Evans. You may have heard Your Worship that Johns said that he would have shot me if the gun had been by his side



rather than Evans. I don't believe he would have done that Your Worship. The prisoners were most obedient once they saw that we had them.

RM COWAN                      What do you say to this Johns?

MOONDYNE JOE                That is true Your Worship. I was in despair at the thought of returning to irons again. May I speak more Your Worship?

RM COWAN                      Yes Johns.

MOONDYNE JOE                I have skills that can be of use in this colony Your Worship. It is of no use to chain me up for a crime I did not commit. If that happens, I cannot promise that I will not escape again Your Worship.

RM COWAN                      That is enough. Say no more else you say worse.

## **Scene Two**

RM COWAN                      The York Police have captured the escapees and the York Court shall deal with their charges.

*(PC Hayden leads Moondyne Joe back to his bench.)*

Clerk. Let us proceed with the case.

CLERK                            Silence in the court!

RM COWAN                      Joseph Bolitho Johns RCI 8189 and Evans PP8258. Stand before the court.

*(Johns and Evans stand.)*

You are charged with absconding from the work party at Canning and being in possession of firearms.

PC Hayden, have there been any reports of a stolen gun?

TROOPER  
HAYDEN                         No Your Honour. There have been no such thefts reported.

RM COWAN                      And what of the kangaroo dog? Have there been any reports of a stolen animal?

TROOPER  
HAYDEN                         No Your Honour. There have not. There have been no reports of any robberies in the York area.



RM COWAN                    That being the case, I sentence you both to twelve months in irons. You will be held in the gaol here until we can make arrangements to send you to Perth. Take the prisoners back to the cells.

CLERK                        All rise.

*(The resident magistrate leaves the courtroom. As soon as the Resident Magistrate has left the room there are comments and gasps from the courtroom.)*

TOWNS PERSON 1        What a lenient sentence! It is almost an encouragement to escape the law!

TOWNS PERSON 2        I don't believe he did any wrong. He's a good man that Joe.

TOWNS PERSON 3        He's a wrong-un for sure but I certainly admire his daring. He led them a merry chase all right and entertained us all too.

CARTER                     *(Speaking to person next to him.)*

I wonder if I should have reported that my gun, a full belt of shot powder and gun caps were stolen from my place while John's was on the run. I suppose it's too late now. The prisoners will be taken to Perth soon.

TOWNS PERSON 1        I bet that Resident Magistrate won't charge Moondyne Joe with the theft of your gun now although I'm sure it was him who took it.

TOWNS PERSON 4        I hear that there's a substantial reward. Five pounds to PC Hayden and thirty shillings to each of the trackers for capturing Moondyne Joe.

TOWNS PERSON 3        They'll get it when the prisoners are safely in Perth. That's a great deal of money for them.

CLERK                        *(addressing the audience)*

It was later found that being an expirée, Moondyne Joe was a colonial convict not an imperial one. The reward was one pound for PC Hayden and fifteen shillings for the trackers.