

The Nostrand Murder

By Tom Montalbano



The Syosset Hotel, located at the triangle of Jackson Avenue & Cold Spring Road, was a popular Saturday night watering hole for Syosset's farmers of the 1800s.

Perhaps the most gruesome Syosset story of all time took place in early 1871, when Garrett Wort Nostrand owned a large farm on Convent Road, adjacent to what is now Mercy First. A burly, rough man on the exterior, the 57-year-old farmer reportedly was not well liked around Syosset due to his frequent disputes with neighbors. Nostrand, who lived on the farm with his wife and four children, had made a good deal of money in the wrecking of a steam ship that had run aground on Long Island's south shore in 1836. By the time he was pushing sixty, Nostrand was worth between \$50,000 and \$60,000, a hefty sum for a farmer in those days. Convent Road, in fact, was then commonly referred to as "Nostrand Avenue."

A Typical Syosset Saturday Night

On a snowy Saturday evening, January 21, 1871, Garrett Wort Nostrand put in his usual appearance at the crowded saloon of the Syosset Hotel, which was located at the triangle of Jackson Avenue and Cold Spring Road. There, he came face-to-face with forty-six-year-old William Kelly of Syosset and twenty-three-year-old John DeVine, an Oyster Bay native who lived and worked on the Jackson farm of Syosset. Kelly had been a track inspector at the Syosset train station until his dismissal for drunkenness, a charge he had always blamed on a grievance letter written by Nostrand. Needless to say, the two men became fast enemies. According to William Horton, another prominent Syosset farmer, Nostrand spent all his remaining days fearing a confrontation with Kelly, whom he believed would "soon as kill a man as a cat."

Although some coarse words were spoken between Nostrand, Kelly, and DeVine early in the evening, their exchange became more and more heated as the empty shot glasses piled up on the bar. At some point, Nostrand gave DeVine a bit of a "shaking," which another saloon patron later described as a warning about sheep from Jackson's farm getting over Nostrand's fence. DeVine and Nostrand then exited the front door of the saloon at around 9:00pm. Kelly soon followed, using the rear exit.

Approximately one hour later, Nostrand's wife entered the saloon and asked the bartender, Carl Hartley, if he had seen her husband. Hartley advised Mrs. Nostrand that he had left about an hour earlier. Mrs. Nostrand then trudged through the dark, snow-covered Syosset streets to see if Garrett had yet arrived at home.

A Gruesome Discovery

Mrs. Nostrand never saw her husband again. On Sunday morning at about 8:00am, Mr. Nostrand's neighbor, Henry Schenck, found his lifeless, bludgeoned body, partially covered by snow, halfway between the Syosset Hotel and the Nostrand home on Convent Road. Although an exact location is unknown, the distance reported and the route that Mr. Nostrand typically walked places his body somewhere near the corner of what is now Ira Road and Sherman Drive, within a few feet of where Mrs. Nostrand had passed the previous evening.

Nostrand had a large gash in his forehead, as if he had been struck with a hatchet. His nose and jaw were broken, his skull was fractured, and his face was smashed beyond recognition. With his wallet still firmly tucked into his pocket, Nostrand did not appear to have been robbed. Schenck summoned Mr. Nostrand's good friend, William Horton, who sent a messenger to Oyster Bay to call upon the Town Coroner, Valentine Baylis. Baylis and his clerk, Walter Franklyn, arrived at the scene by 9:00am. Upon observing more than one set of footprints in the snow leading away from the murder scene, Baylis sent Franklyn to investigate. The footprints led to the back door of the Syosset Hotel.

The Arrest & Questioning of Kelly & DeVine

After questioning the Syosset Hotel's owner and bartender, Coroner Baylis sent police to arrest William Kelly and John DeVine at their homes. The authorities immediately confiscated three pairs of boots from Kelly and compared them to the tracks in the snow. Of the three, one pair was determined to be the exact size and tread of the boot marks leading to and away from Nostrand's body. A similar test, conducted with a pair of DeVine's boots, produced the same results.

TERRIBLE MURDER.

A Wealthy Citizen of Syosset, L. I., Assassinated—The Alleged Murderers in Custody—Coroner's Inquest.

On Saturday evening a number of men, residents of Syosset, L. I., were in the bar-room of the hotel at that place, discussing politics, matters of local interest and things in general. Among them were a wealthy farmer named GARRETT WORT NOSTRAND and two other men—KEL-

Initial statements provided to investigators by Kelly and DeVine contained significant contradictions. Although the two men claimed to have left the saloon at different times and to have gone straight home, witnesses stated that they had observed Kelly and DeVine carrying on a heated conversation near the saloon's livery stable at around 9:00pm, roughly the time Kelly was seen leaving through the rear door. This raised the question as to whether the men had arranged to exit at different times and through different doors so that they would not be seen leaving together.

Although Kelly insisted he had nothing to do with the slaying, the young John DeVine was, apparently, a little easier for examiners to break. At some point, he admitted to having confronted and struck Nostrand with a stick after their altercation in the saloon, but denied having killed him.

As investigators continued to interrogate Kelly and DeVine, Garrett Wort Nostrand's body was transported via the Syosset LIRR station to Jamaica, Queens, where he was laid to rest on January 26, 1871.

The Trial

At their arraignment in the North Hempstead courthouse on April 4, 1871, Kelly pleaded “Not Guilty,” while DeVine pleaded “Guilty, but only as far as I have said.” The Court directed that DeVine’s plea be entered in the record as “Not Guilty.” On May 9, 1871, just before his murder trial was set to begin, John DeVine changed his plea to Guilty of Murder in the Second Degree, admitting that he was the first to strike Nostrand, but without deadly intent. DeVine’s attorney, William Onderdonk, further affirmed that it was not DeVine’s blow, but “another person’s,” that caused Nostrand’s death.

The following day, Kelly had his day in court, drawing a standing-room-only crowd that spilled into the hallways and outside the building. Juror selection had been an arduous process, as word of the ghastly, senseless murder had spread quickly via the *New York Times*, the *Brooklyn Daily Eagle*, and various other local newspapers. One-by-one, prospective jurors had been excused when they admitted that they had already made up their minds as to Kelly’s guilt.

One of the first witnesses called by the prosecution was Adam Todd, a patron of the Syosset Hotel saloon, who stated that, on the evening of the incident, a drunken Kelly had grabbed him by the coat and asked “What would you do if a man should shake you? Would you not strike him?”

Another witness, one of Kelly’s fellow prisoners at the Queens County Jail, testified that Kelly had grumbled to him at one point that “if DeVine had only kept his mouth shut, all would have been all right.”

In the end, however, the downfall of William Kelly turned out to be none other than John DeVine himself. When put on the witness stand, DeVine detailed his skirmish with Nostrand in the saloon and stated that it was an intoxicated Kelly who escalated the affair, goading him into taking revenge on Nostrand for shaking him. As DeVine exited the saloon, leaving Kelly behind with Nostrand, a drunken Kelly allegedly insisted that he was going to give Nostrand “a good licking.” DeVine then left the saloon and soon found himself walking toward Nostrand’s house, picking up a stick about two feet long on the way. At some point, he caught sight of Nostrand as he turned a corner. DeVine approached Nostrand with the stick and struck him on the chin. Nostrand fell on his elbow, but soon got up and started walking toward home. DeVine claimed that his score with Nostrand was settled at this point and that he intended to let him go until Kelly appeared, brandishing a steel rod of about six feet long.

According to DeVine, a fired-up Kelly then inquired “Have you hit him?” When DeVine replied that he had injured Nostrand, Kelly responded “I will put him out of pain and ache” and then proceeded down the road after Nostrand. Next, DeVine heard a blow and saw Kelly strike Nostrand five or six times. He ran toward Kelly and pulled him away from Nostrand, leading him toward the railroad tracks. While being led away, Kelly reportedly told DeVine “He will never bother again.” DeVine then asked Kelly if he had killed Nostrand, to which Kelly responded “If he is not dead, he will never get over it.” According to DeVine, Kelly then proceeded to instruct him as to what to say should he be questioned by the authorities.

As a quiet tension fell upon the crowded courtroom, DeVine swore that his confession had not been induced and that he had not bargained for a lesser conviction in exchange for his testimony against Kelly. He also swore that he did not intend or expect to kill Nostrand and had never had any trouble with him in the past. DeVine added that, as he watched an enraged Kelly approach Nostrand on the road that fateful evening, he yelled to Kelly “Don’t kill the poor beggar!”

Kelly Fights For His Life

William Kelly’s only possible follow-up, at this point, was to take the stand in his own defense and try to arouse suspicion among jurors regarding DeVine’s role in the killing. A conviction of Murder in the First Degree would mean death by hanging; however, if Kelly could convince the jurors that his role in the killing was no greater than DeVine’s, he, too, might be spared the death penalty and convicted of the lesser charge of Murder in the Second Degree.

Kelly's testimony was quite the opposite of the one the jury had just heard from John DeVine. He told the court that, as DeVine exited the saloon on January 21, he stated that he was going to follow Nostrand and "get square with him." Kelly insisted that he stayed behind after both DeVine and Nostrand had exited the saloon, as he was engaged in a conversation with the bartender. Asked why he chose to exit through the rarely-used rear door, Kelly stated that he was trying to avoid meeting up with DeVine, whom he described as "drunk" and irrational after five or six drinks. Although investigators had found no footprints in the snow leading in the direction of his house, Kelly insisted that he then headed home, never passing the location at which the body was discovered.

Next, Kelly testified that, on his way home, he ran into DeVine, who told him "I have fixed Nostrand! He will never bother me anymore!" He then recounted that DeVine insisted that they return to the scene and steal Nostrand's wallet, adding that he advised DeVine he would have nothing to do with that. According to Kelly, DeVine then pleaded with him to keep the incident quiet. In closing, Kelly swore that he had never seen the six-foot steel rail that had been recovered near the murder scene and that he had never had any problem with Nostrand.

After five hours of deliberation, the jurors returned to the courtroom at 3:00am and delivered a verdict of Guilty of Murder in the Second Degree. The judge then sentenced Kelly and DeVine to life in prison and hard labor at Sing Sing, the maximum security prison in Ossining, NY.

It is probably safe to assume that, although the city newspapers ended their coverage of this story the next day, farmers and townspeople around Syosset talked about the murder of Garrett Wort Nostrand for years to come.

Postscript: In 1906, New York State Governor Frank W. Higgins, after being advised of new evidence to suggest that William Kelly did not strike the fatal blow in the attack on Garrett Nostrand, pardoned the 81-year-old from Sing-Sing Prison. After 35 years in jail, Kelly went to live with his widowed daughter in Jamaica, Queens, not far from the cemetery in which Garrett Nostrand's body rested. John DeVine served out his life sentence at the Clinton Correctional Facility in Dannemora, New York.