

MILITARY ORDER OF THE LOYAL LEGION OF THE UNITED STATES



Loyal Legion Vignettes



**LIEUTENANT COLONEL DAVID WALKER WEAR, 45TH MISSOURI INFANTRY UNITED STATES
VOLUNTEERS**

(1843 Missouri - 1896 Missouri)

AND

1ST SERGEANT JAMES HUTCHINSON WEAR, 52ND ENROLLED MISSOURI MILITIA

(1838 Missouri - 1893 Missouri)

By

**Douglas Niermeyer, Past Commander-in-Chief
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(June 2006)

David Walker Wear, Sr. was born on May 31, 1843 in Otterville, Missouri, the youngest of four children born to William Gault and Sarah Amanda (Yancey) Wear. A more extended mention of his parents, and also of his ancestors, may be found below in the biography of his elder brother, [James Hutchinson Wear](#). Growing up in Missouri in the 1840s and 1850s, David received an academic education. He read law with W. Douglas, Judge George W. Miller, and Emmet R. Hayden, of Booneville, Missouri, and was admitted to the bar on the day that Abraham Lincoln was inaugurated President of the United States.

David espoused the Union cause when the Civil War began, enlisting as a private soldier in June of 1861 in an independent company. He was a participant in some of the early engagements of the war under General Lyon, including the battles of Wilson's Creek and Pea Ridge, and later was in command of the garrison stationed at Boonville and Jefferson City, Missouri. He then enlisted in the 52nd Regiment Enrolled Missouri Militia on July 28, 1862 in Booneville, Missouri along with his older brother, James Hutchinson Wear. David was commissioned Major on October 1, 1862 and assigned to duty on the staff of General Thomas L. Crawford, who, prior to his entering the military service, was a resident of Jefferson City. David was promoted Colonel July 25, 1863 by Special Order No.8, and relieved November 26, 1863. During that time, he was detailed as a Captain of Company D of the 9th Regiment Provisional Enrolled Missouri Militia, which was called into active service July 9, 1863, served in operations against Shelby on September 22 to October 26, 1863, fought at Booneville, Missouri on October 11 - 12, 1863, at Merrill's Crossing, Dug Ford, and near Julesborough October

12, 1863, at Marshall, Missouri on October 13, 1863, and was relieved November 28, 1863.

In late 1864, the Civil War was not yet over in the nation or in Missouri as Confederate General Sterling Price led a raid through half of the state in September and October of 1864. David once again answered the call to serve his state and on September 29, 1864 at the age of 22, he was commissioned Lieutenant Colonel of the newly formed 45th Missouri Infantry US Volunteers. He led the 45th Missouri Infantry against Price's attack on Jefferson City, Missouri on October 7, 1864. He was then ordered South and joined the Army of the Cumberland under General, George H. Thomas, with whom he served until the close of the war. As commander of the 45th Missouri Infantry, he fought in the Battle of Nashville, Tennessee on December 15 - 16, 1864, was on garrison and guard duty at Spring Hill, Tennessee until January 5, 1865, moved to Johnsonville, Tennessee, January 5 - 13, and was on duty there until February 20, 1865. The regiment moved back to St Louis, Missouri and was honorably discharged by Special Order No.87 on April 1, 1865.

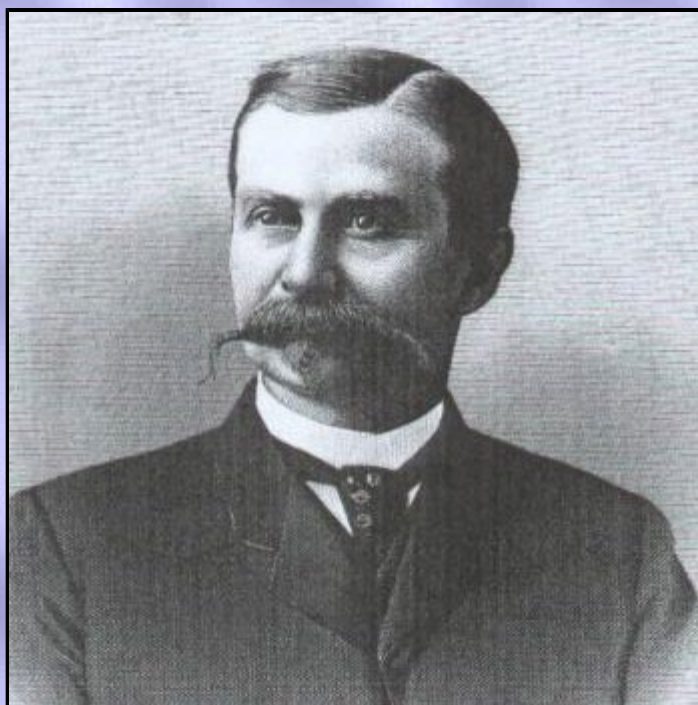
Returning to Booneville, Missouri in June 1865, David began the practice of his profession and, for some years, was prominent as a member of the bar at Booneville. David became an assistant attorney for the Missouri Pacific Railroad Company, which he continued as when he moved to St. Louis, Missouri. While in Booneville, he was connected with two or three criminal cases which excited a great deal of attention throughout the state. One of them was the case of the state of Missouri against Mrs. Mapes and two others, for the murder of her husband, tried at Booneville. The other two persons were taken from the hands of the officers and hung. Mr. Wear was the attorney for the defense. The trial was very exciting, and lasted for a week, at the end of which she was acquitted. When the jury brought in their verdict, the judge announced to her from the bench, that she owed her life to the management of her attorney. Another was the celebrated case of the state of Missouri against Davenport Burris, a desperado also tried at Booneville. In this case, Mr. Wear was attorney for the defense, in connection with General John B. Clark, then one of the best known criminal lawyers west of the Mississippi. Great interest was manifested in the trial all over the West. Burris had killed his brother, and severely wounded his mother, but he was acquitted, went to Texas, and was there hung by a mob for other murderous deeds. While at Booneville, Colonel Wear had a large criminal as well as civil practice, and reached a high position at the Cooper county bar.

In 1876, he moved to St. Louis, Missouri and continued the practice of law in there, holding at one time the position of assistant attorney of the Missouri Pacific Railroad Company, and later giving attention largely to the legal business of the J. H. Wear & Company. He then organized the Wear-Boogher Dry Goods Company, one of the largest wholesale dry goods houses in Saint Louis. In 1881, he was elected to the state Senate of Missouri and served two terms as a member of that body, representing the wealthy and intelligent constituency of the west end of St. Louis. In 1882, he was nominated, by acclamation, by his democratic constituents, in one of the wealthiest districts in the state, for the state senate. In the session of 1883, he was chairman of the committee on corporations, other than municipal, and a member of the judiciary committee. In 1885, he was appointed superintendent of Yellowstone Park by Judge L.Q.C. Lamar, then Secretary of the Interior, and held that position until the custodianship of the Park was transferred to the military department of the government. He was then made chief of the Southern Division of the Bureau of Pensions at Washington and served in that capacity until the close of President Cleveland's administration. Returning to St. Louis, he was identified with various movements for the advancement of the city's interests, prominent among them being that which sought to bring to the city the World's Columbian Exposition. He was chosen a member of the delegation that visited Washington and labored with Congress to attain this object, and his large acquaintance with public men and legislative methods made him a most useful member of a committee which, although it failed to accomplish its purpose, was nevertheless entitled to great credit for its able presentation of the claims and advantages of St. Louis as a site for the Exposition. He soon afterward returned to Booneville and resuming the practice of law there, was a member of the bar of that city at the time of his death. He was prominent in the politics of Missouri as a member of the Democratic party and participated in an important official capacity in the Democratic National Convention held in Chicago in 1896. His religious affiliations

were with the Episcopal Church, into which he was baptized in Christ Church, of Boonville by Rt. Rev. Thomas H. Vail, Bishop of Kansas. He was also a Royal Arch Mason. The Colonel was said to be a man of good standing, socially as well as legally, and had many friends.

In January of 1868, David married Miss Laura Frances Beaty, of Boonville (born January 9, 1845 Missouri, died January 29, 1910 Missouri). David died on October 20, 1896 in Boonville, Missouri. David and Laura had only one child, David Walker Wear, Jr., who was born July 8, 1879 in St. Louis, Missouri, and became newspaper editor and a general railway contractor. He also followed his father in military service and was an organizer and member of Company K, 1st Missouri State Militia, serving on the staff of General Dyer, and as a member of the Adjutant General's staff during World War I. In 1911, he married Angeline Hotchkiss and they had three children: David Walker Wear, III; Carolyn H. Wear; and John Francis Wear.

**1ST SERGEANT JAMES HUTCHINSON WEAR, COMPANY B, 52ND ENROLLED MISSOURI MILITIA
(1838 Missouri - 1893 Missouri)**



James Hutchinson Wear

(Source: The Encyclopedia of the History of St. Louis)

James Hutchinson Wear was born on September 30, 1838 near Otterville, Missouri, the eldest son of William Gault and Sarah Amanda (Yancey) Wear, and older brother of Lieutenant Colonel [David Walker Wear](#) (see above biography).

Around 1765, five brothers by the name of *Wear*, including William's grandfather Jonathan Wear, immigrated from the north of Ireland and settled in the American Colonies of Virginia and South Carolina. Ten years later when the war of the Revolution broke out, they took part with the colonists, and at the battle of King's Mountain, North Carolina, where the British suffered a crushing defeat. In this battle Jonathan Wear, the grandfather of William G. Wear, was severely wounded. He died on his farm in Tennessee in 1829, at the age of 80 years. He had six children, one of whom, James H. Wear, was born in Rockbridge County, Virginia, in 1785; emigrated from Virginia to Tennessee where he was engaged in farming until his removal to Howard County, Missouri in 1817. Remaining there two years, he moved into Cooper County, and continued his labors as an agriculturist until his death in 1831. One of William's uncles, who was also named Jonathan Wear, fought under General

Jackson at the battle of New Orleans the war of 1812, and in the military, as well as in the civil, history of the country, members of his family achieved honorable distinction. William's mother, Elizabeth, was the daughter of William Gault, who was born in the north of Ireland in 1742, and who emigrated to America and settled on a farm near Knoxville, Tennessee, where he died in 1828. During the War of 1812 he was wounded by a Seminole Indian while on guard duty.

William Gault Wear, was born near Knoxville, Tennessee, December 1, 1816, the year before his father settled in Missouri, and grew up among the pioneer settlers the State. He was the second in a family of eight children and received but a limited education in the common schools of Cooper County. His father died when he was 15, after which time he was obligated to superintend the plantation, remaining in charge for four years. He purchased the land on which the town of Otterville was afterward laid out in 1840 and lived at that place until 1881. At 19, he commenced business in Otterville, Cooper County, where he remained 27 years, dealing in general merchandise, stock, and real estate. In 1864, he engaged in mercantile business in Memphis, Tennessee, where his operations were quite extensive, his annual sales amounting to \$250,000, until he met with financial reverses in 1870, and returned to Missouri, and for two years represented the house of James H. Wear & Company in the South and Southwest, the senior member of that firm being his son. In 1873, he settled in Warsaw, Benton County, and resumed his old business, dealing in general merchandise and stock. During the Civil War, he was an advocate of the Union cause; and being elected by the Democratic party in 1862 to represent Cooper County in the lower branch of the Missouri Assembly, gave his hearty support to those measures tending to restore the supremacy of the national Government. Politically, he was a *Jefferson Democrat*. He leaned toward the Presbyterian church in his denominational preferences. William was married on November 3, 1837, to Sarah Amanda Yancey, who was born in 1819 in Glasgow, Kentucky, and the daughter of David and Mildred (Field) Yancey, of Charlottesville, Virginia.

James obtained his early education in public schools in the neighborhood of his home and was then trained to engage in mercantile pursuits at Jones' Commercial College of St. Louis. When he was 17, he began business with his father, who was a successful merchant, and soon made it apparent that he had a genius for trade, comprehending so readily its various phrases and evincing such rare judgment and discretion in the conduct of affairs committed to his charge that he was sent East to purchase a stock of goods for the Western trade before he was 18.

During the Civil War, James enlisted as 1st Sergeant of Company B in the 52nd Regiment Enrolled Missouri Militia on July 27, 1862 in Booneville, Missouri, along with his younger brother, David Walker Wear, who would later become Colonel of this regiment. They were ordered into active service August 13, 1862 at Syracuse, Missouri, and James was discharged for disability September 15, 1862.

His connection with the mercantile interests of St. Louis began in 1863, when he came to the city and engaged first in the boot and shoe trade. Later, he embarked in the wholesale dry goods business, as head of the firm of Wear & Hickman, which established its store 319 North Main Street. Still later, he was senior member of the firm of J.H. Wear & Company and then organized the Wear-Boogher Dry Goods Company, a corporation of which he was president from its inception until his death. He was a successful merchant in the broad significance of that term, successful in building up trade, successful in retaining it and in the accumulation of a fortune as a result of his commercial transactions, and successful also in building up a mercantile institution of high character, which perpetuates his memory and a name honored in the business circles of St. Louis and throughout the region tributary to this city in a commercial sense. For many years, he was a member of the directorate of the St. Louis National Bank, and as an investor, he was identified from time to time with various other enterprises, occupying important relationships to the business interests of the city. The Mercantile Club numbered him among its leading members, and social and commercial organizations seeking to further the interests of St. Louis, were always sure of his hearty cooperation in their undertakings. He had no taste for public life, never sought office, and kept aloof from politics

as a rule, although during the Civil War period, he was a staunch Unionist and a firm supporter of the war and reconstruction measures of the Republican party. During the later years of his life, his views were in harmony with the principles of the Democratic party, as expressed in its platforms and legislative enactments, on economic questions and, in consequence thereof, he became a member of that party. He was a ruling elder of the Grand Avenue Presbyterian Church, a member of the Board of Managers of the Bethel Mission and of the Protestant Hospital, and a liberal friend and benefactor of various church and charitable institutions.

In 1866, James married Miss Nannie Eliza Holliday (born September 17, 1847 Hannibal, Missouri, died February 25, 1942 St. Louis, Missouri). James died in St. Louis on June 14, 1893. They had seven children were born of their union including: John Holliday Wear, Mildred Wear, Lucretia Wear (married George Herbert Walker and were the grandparents of President George Herbert Walker Bush), Joseph Walker Wear, James Hutchinson Wear, Jr., Arthur Yancey Wear, and William Wear.

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Descendants of Colonel David Walker Wear, Sr. and James Hutchinson Wear, and descendants of their siblings, are eligible for hereditary membership in the Military Order of the Loyal Legion of the United States (founded by Civil War officers on April 15, 1865) and the Dames of the Loyal Legion of the United States (founded in 1899 as the auxiliary to the Military Order of the Loyal Legion of the United States). For more information on either or both organizations, please visit each organization's national website:

[Military Order of the Loyal Legion of the United States](#)

[Dames of the Loyal Legion of the United States](#)

Sources:

- 1) Membership Records of the Military Order of the Loyal Legion of the United States.
- 2) 1866. Muster Recorder from Secretary of State of Missouri; Annual Report of the Adjutant General of Missouri for the Year Ending 1865, p.279.
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- 5) 1899. Encyclopedia of the History of St. Louis, Vol.4, pgs. 2476-7.
- 6) 1878. United States Biographical Dictionary and Portrait Gallery of Eminent and Self-Made Men, Missouri Volume, United States Biographical Publishing Co., pgs.528-9.

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