

Henry Cornelius Burnett: Champion of Southern Rights

By Berry F. Craig*

During the secession crisis of 1860-61, few men worked harder for a Confederate Kentucky than First District Congressman Henry Cornelius Burnett of Cadiz.¹ From the beginning, he was a staunch champion of southern rights.

Burnett was born in Essex County, Virginia, on October 5, 1825. Brought to Kentucky as a child, he was educated in the common schools of Trigg County. Afterwards, he attended an academy in Hopkinsville. In 1847, he was admitted to the bar and later served as Trigg circuit court clerk in the early 1850s.² First District voters sent the young Trigg Countian to Congress in 1855. Burnett succeeded the veteran Linn Boyd of Paducah, who was speaker of the House of Representatives from 1851-55.

In the critical presidential election of 1860, Representative Burnett, a fierce proslavery Democrat, supported Southern Democratic candidate and later Confederate general, John C. Breckinridge of Lexington, Kentucky.³ However, with Republican Abraham Lincoln's victory, South Carolina seceded in December 1860.

Nonetheless, most Kentuckians believed the Union still could be saved. But Burnett was skeptical. "There is not the slightest hope of any settlement or adjustment of existing troubles," he wrote the southern-minded editor of the Paducah *Tri-Weekly Herald* on January 7, 1861. "The Republicans have rejected with scorn and ridicule every proposition submitted to

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¹In 1860-61, the First District included Ballard, Caldwell, Calloway, Crittenden, Fulton, Graves, Hickman, Hopkins, Livingston, Lyon, Marshall, McCracken, Trigg, Union, and Webster counties.

²J. Levin, ed., *Lawyers and Lawmakers of Kentucky* (Chicago, 1897), 409-10; tombstone in Cadiz's East End Cemetery.

³William C. Davis, *Breckinridge: Statesman, Soldier, Symbol* (Baton Rouge, 1974), 218. Breckinridge was vice president in 1860.

them in the Senate and House committees." Then, referring to a special session of the Kentucky General Assembly scheduled to convene on January 17, the western Kentuckian continued: "I hope one of the first things our Legislature will do, will be to pass a joint resolution strongly denouncing force against the Southern States, either by the present or incoming administration." Burnett also declared, "Our legislature ought to provide at once for the calling of a State Convention, so that the sovereign voice of Kentucky can be heard in this most momentous crisis."⁴

But the Unionist-dominated body rejected a convention and, instead, voted to send delegates to a Washington, D.C. peace conference called by the Virginia General Assembly for February 4.⁵ Burnett, either believing that reconciliation might be possible or, more likely, making a gesture of unity, joined the other Kentucky congressmen in endorsing the conference.⁶ However, the Virginia-sponsored gathering was a disappointing failure.

By the end of February 1861, Mississippi, Florida, Alabama, Georgia, Louisiana, and Texas had seceded and, together with South Carolina, had formed the Confederate States of America. In Congress, the Republicans began preparing the nation for war, but Burnett and most of the other still-loyal upper South lawmakers opposed them. The southerners desperately tried to stop military legislation, which included bills to raise money for the Federal treasury and to strengthen the army and navy.⁷

Burnett, in denouncing the navy bill, charged the army and navy were about to be used to coerce the cotton states that had seceded.⁸ To circumvent that, he proposed an amendment

⁴Paducah *Tri-Weekly Herald*, (hereafter cited as *Herald*) quoted in the Louisville *Daily Courier*, January 19, 1861, (hereafter cited as *Courier*). The *Courier* was fiercely pro-southern as was the *Herald*. See Berry F. Craig, "Kentucky's Rebel Press in the Secession Crisis of 1860-1861" (master's thesis, Murray State University, 1973).

⁵Kentucky *Senate Journal*, 1861 (January 17, 1861), 95-98; Kentucky *House of Representatives Journal*, 1861 (January 17, 1861), 151-52.

⁶*The War of the Rebellion: A Compilation of the Official Records of the Union and Confederate Armies* (128 vols., Washington, D.C., 1880-1902), Series I, Vol. 52, Part 2, 6 (hereafter cited as *O. R.*).

⁷*Congressional Globe*, 36 Cong., 2 Sess., 41-45, 345-51, 450-63, 477, 712-15, 1015-30, 1034-40, 1067-76, 1149-54, 1185-1201.

⁸*Ibid.*, 346.

to the army bill stipulating none of its appropriations could be spent by the government "in making war, or in any attempt to subject any state which has or may hereafter secede from the United States."⁹ But Burnett's proposal was to no avail.¹⁰

To supplement the small regular army, the Republicans drew up legislation authorizing President Lincoln to call out state militias in case of rebellion against federal authority and to accept and organize volunteer military forces.¹¹ On February 26, in a passionate speech on the House floor, Burnett characterized the measure as "tantamount to a declaration of war."¹²

Kentucky "waits with calmness the deliberations of the constituted authorities of the country," he told his colleagues, and also warned: "if you pass these bills. . . I think I may safely promise, in the name of old Kentucky, that she will stand by her guns, and that her sons will be found true to her historic fame, and 'fit for honor's toughest task.'"¹³ The prosouthern slave state legislators gained a small victory here; the militia bill, argued to death, did not come up for a vote in that session of Congress.¹⁴

Burnett's unabashedly southern views did not escape notice in the North. An unsympathetic Cincinnati *Commercial* characterized him as "a big, burly, loud-mouthed fellow who is forever raising points of order and objections, to embarrass the Republicans in the House." The staunchly Republican newspaper also charged that if a Unionist congressman wanted to speak, Burnett "pops up and 'objects.'" But if a southerner "wants to take up the time of the House or do anything, whatever, out of order, the Hon. H. C. Burnett bellows like a bull in his favor, until the time consumed is about twice as much time as it would have taken to listen to the matter without any fuss."¹⁵ Congress adjourned on March 2,¹⁶ and Burnett

⁹*Ibid.*, 462.

¹⁰*Ibid.*, 477.

¹¹*Ibid.*, 645-46, 1001-02; Appendix, 304-07.

¹²*Ibid.*, Appendix, 257.

¹³*Ibid.*, 261.

¹⁴*Ibid.*, 1001-02, 1031-33, 1225-32.

¹⁵Cincinnati *Commercial*, quoted in the Frankfort *Weekly Kentucky Yeoman*, February 8, 1861 (hereafter cited as *Weekly Yeoman*).

¹⁶*Cong. Globe*, 1433. For an excellent account of the critical second session of the

returned home to Cadiz. But he was not away from politics for very long.

On April 3, the Kentucky legislature, still holding to its Unionist and conciliatory stance, passed a bill calling for a convention of the border slave states to meet in Frankfort on May 27. An election for Kentucky's twelve delegates to the conference was to be held on May 4.¹⁷

The secessionists, who called themselves the Southern Rights party, chose Burnett as their candidate from the First Congressional District. But on April 12, the Confederates fired on Fort Sumter in the harbor of Charleston, South Carolina, and the Civil War began. With the outbreak of fighting, most pro-southern Kentuckians saw no more need for the border slave state convention. Consequently, in late April, the secession candidates withdrew from the delegate race.¹⁸

Burnett, taking it for granted "that such a Convention will never assemble," announced his withdrawal in the *Paducah Herald*. "I hope," he declared, "the people of the State will agree with me that the movement ought to be abandoned, and that our Legislature ought, without delay, to arm the State, call a State Convention, and place Kentucky in a position where she can render effective aid to the Southern States in the aggressive war now being waged against them by the Government at Washington."¹⁹

However, Burnett's words were for naught; the election came off as planned. Naturally, the Unionists won.²⁰ The convention met on the twenty-seventh, but like the Washington peace conference, it accomplished nothing. At the same time,

thirty-seventh congress see Kenneth M. Stampp, *And the War Came: The North and the Secession Crisis, 1860-61* (Baton Rouge, 1950).

¹⁷*Senate Journal* (January 17, 1861), 427-28; *House Journal* (January 17, 1861), 467-75.

¹⁸*Courier*, April 25-26, 1861.

¹⁹*Herald*, quoted in the *Courier*, April 23, 1861.

²⁰Across Kentucky, the Unionist vote (although the secessionists withdrew there was a scattering of secession votes) was almost three-fourths of the total vote cast in the presidential election of 1860. Also, it was 15,000 more than the combined vote of Constitutional Unionist John Bell of Tennessee, who carried the state, and Unionist Northern Democrat Stephen A. Douglas of Illinois.

However, in the first district, the Unionist vote amounted to only 26% of the total vote in the presidential election and about 2,000 less than the Bell and Douglas vote. See the *Courier*, November 26, 1860, and the *Weekly Yeoman*, June 14, 1861.

the legislature again spurned a state convention and instead passed resolutions establishing Kentucky's neutrality.²¹ Governor Beriah Magoffin also issued a neutrality proclamation on his own.²²

To meet the national crisis, President Lincoln asked for 75,000 volunteers and called an emergency session of Congress to meet on July 4. In Kentucky, special elections for the session were set for June 20. This was, of course, a Federal election but the secessionists viewed it as a test of strength. To this end, they fielded candidates in each of the state's ten congressional districts.

On May 31, Burnett was nominated by First District Southern Rights party men at a convention in Mayfield. (At this convention the possibility of western Kentucky separating from the rest of the state and forming some sort of alliance with Tennessee was discussed.)²³ In accepting the nomination, Burnett dramatically told the delegates if he went to Washington, "it was his firm determination to arraign the traitor Lincoln at the bar of his country for treason, and if, in his endeavors to bring the usurper to justice, he should lose his life, he expected that Kentuckians would avenge his death."²⁴

Although every other secessionist candidate was soundly defeated, Burnett won handily, polling 8,988 votes to 6,225 votes for Unionist Lawrence Trimble of Paducah. But this was hardly a district-wide mandate; 62 percent of his vote came from just the Jackson Purchase. Outside of the region, he carried only his home county and it by a scant twenty votes.²⁵

Taking his seat in Congress on July 4,²⁶ Burnett found himself surrounded mostly by uncompromising Union men ready to get on with the war. Still, he was determined to look

²¹*House Journal* (May 6, 1861), 27-30, 91-94; *Senate Journal* (May 6, 1861), 143-45.

²²E. Merton Coulter, *Civil War and Readjustment in Kentucky* (Chapel Hill, 1926), 55.

²³*Louisville Daily Journal*, June 6, 1861 (hereafter cited as *Journal*); *Frankfort Tri-Weekly Kentucky Yeoman*, June 11, 1861, (hereafter cited as *Tri-Weekly Yeoman*); *Lexington Kentucky Statesman*, June 14, 1861 (hereafter cited as *Statesman*).

²⁴*Tri-Weekly Yeoman*, June 11, 1861; *Statesman*, June 14, 1861.

²⁵*Statesman*, June 14, 1861. The Purchase (Ballard, Calloway, Fulton, Graves, Hickman, Marshall, and McCracken counties) gave Burnett 5,626 votes to 1,785 votes for Trimble. In Caldwell, Crittenden, Hopkins, Livingston, Lyon, Trigg, Union, and Webster counties, Trimble received 4,440 votes and Burnett 3,362 votes.

²⁶*Cong. Globe*, 37 Cong., 1 Sess., 2.

after southern rights. He denounced a bill creating a volunteer force to fight the South, explaining: "I do not believe that you can hold this Government together at the point of the bayonet or at the cannon's mouth." But Burnett quickly added that he opposed secession: "I do not believe in it, as a constitutional doctrine," he asserted, "I believe it is the theory of our Government that it rests for its support upon the affections and the consent of the governed."²⁷ Obviously, Burnett was implying that Lincoln's war policy lacked popular support. But he was wrong and the thousands of eager volunteers daily arriving in Washington from all parts of the North proved it.

Later, Burnett again attacked the volunteer bill. "As one of the Representatives of Kentucky," he began, "I here enter my solemn protest against that State being called upon to furnish one man or being taxed to furnish one dollar of money to carry on this war. . . . I will not consent, by any act of mine, that her people, for generations to come, shall be taxed to pay the expenses of this war."²⁸

On August 6,²⁹ Congress adjourned and Burnett left Washington. Arriving in Cadiz, he found the prospect of Kentucky's secession growing even more remote. On August 5, the Unionists had won an overwhelming majority of seats in the crucial election for a new state legislature.³⁰ Trigg and most of the other First District counties voted secessionist³¹ but that probably was of little solace.

Nonetheless, Congressman Burnett set about drumming up more local support for the South. On August 25, he addressed a mass meeting in his hometown which, at his urgings, passed resolutions protesting the Federal war tax and calling for another First District convention to meet in Mayfield in September to consider "the most effectual means of securing our rights as neutrals in the war."³²

²⁷*Ibid.*, 73.

²⁸*Ibid.*, 152.

²⁹*Ibid.*, 459.

³⁰*Journal*, September 6, 1861.

³¹*Courier*, August 13, 16-17, 1861. The Jackson Purchase, Caldwell, Livingston, Lyon, Trigg, Union, and Webster counties went secessionist while Crittenden County voted Unionist. Hopkins County elected a secessionist to the Senate and a Unionist to the House.

³²*Journal*, August 30, 1861.

On August 29, Burnett gave a rousing prosouthern speech at Tandy's Grove, in nearby Christian County. As he orated, Confederate flags fluttered in the late summer breeze over newly-formed military companies such as the "Dixie Blues" and the "Pembroke Tigers."³³

While these southern-sympathizing Christian Countians applauded Burnett, editor George D. Prentice of the solidly Unionist Louisville *Daily Journal* was unimpressed when he heard of the congressman's address. "This Kentucky Thersites is admirably qualified for the office of Blackguard Extraordinary and Scullion Plentipotentiary to the Court of Jeff Davis, for his brain is as feeble as his lungs are forcible and his mouth is as dirty as a den of skunks," Prentice thundered in the September 5 edition of his newspaper.³⁴ Kentucky's precarious neutrality vanished in September as the Confederates seized Hickman and Columbus and the Federals captured Paducah.³⁵ Soon afterwards, both armies moved into the state in force.

When neutrality ended, thousands of Kentuckians went off to fight in one army or the other. In the fall of 1861, Burnett raised a regiment of Confederate infantry in western Kentucky which mustered into service at Hopkinsville as the Eighth Kentucky. On November 11, he was elected its colonel but never took command.³⁶ Die-hard Kentucky secessionists were determined to form a pro-Confederate government for the state and Burnett decided to help.

On October 29-31, he was chairman of a gathering at Russellville, attended by about sixty secessionists from thirty-two counties. This meeting condemned the Unionist legislature as unrepresentative of the people and called for a sovereignty convention to meet in Russellville on November 18.³⁷

³³*Courier*, September 14, 1861; John McGaughey Diary in possession of Robert H. McGaughey, Jr., Hopkinsville, Kentucky.

³⁴*Journal*, September 5, 1861.

³⁵See Berry F. Craig, "Northern Conquerors and Southern Deliverers: The Civil War Comes to the Jackson Purchase," *Register of the Kentucky Historical Society*, LXXIII (1975), 17-30.

³⁶J. Tandy Ellis, ed., *Report of the Adjutant General of the State of Kentucky, Confederate Volunteers, War, 1861-1865* (Frankfort, 1915), I, 376-77.

³⁷*Courier*, November 4, 1861. When Federal troops occupied Louisville in September 1861, the *Courier* moved to Bowling Green where, under the protection of the Confederate army, it resumed publication on October 14.

On the appointed day, around two hundred secessionists from sixty-eight counties showed up.³⁸ Burnett was president of the convention which drafted a declaration of independence from the Union and established a provisional Confederate government. Rebel-occupied Bowling Green was designated its capital.³⁹

In addition, the convention sent Burnett and former congressman William E. Simms of Lexington to Richmond as commissioners to the Confederate Congress.⁴⁰ Their mission was to get Kentucky admitted to the Confederacy and they were successful. On December 10, Kentucky became the thirteenth Confederate "state."⁴¹ But all this meant practically nothing; the vast majority of Kentuckians were loyal Unionists.

The Federal Congress reconvened on December 2 with Burnett conspicuously absent.⁴² Many congressmen knew of his part in the Russellville convention and on December 3, W. McKee Dunn, an Indiana Republican, offered a resolution to formally expel him.⁴³ It easily passed.⁴⁴

After seeing Kentucky become a Confederate "state," Burnett went to Tennessee and joined the southern army at Fort Donelson, a strong position on the Cumberland River near the little town of Dover. Nevertheless, on February 16, 1862, Donelson fell to a combined Federal army-navy expedition led by a then-unheralded general named Ulysses S. Grant. The Eighth Kentucky was captured along with most of the Confederate garrison, but Burnett managed to escape with General John B. Floyd, an old acquaintance from happier days in Washington.⁴⁵

But Burnett's military service ended at Fort Donelson. On

³⁸*Journal of the Congress of the Confederate States of America, 1861-1865* (Washington, D.C., 1904), I, 541 (hereafter cited as *Journal of Congress*).

³⁹*Ibid.*, 536-43; *Resolutions of the [Confederate] Congress [in Kentucky]* (Bowling Green, 1861).

⁴⁰*Journal of Congress*, 541.

⁴¹*Ibid.*, 546-47, 549; *O. R.*, Ser. 1, Vol. 52, Pt. 2, 240.

⁴²*Cong. Globe*, 37 Cong., 2 Sess., 2.

⁴³*Ibid.*, 7.

⁴⁴*Ibid.*, 8.

⁴⁵Ellis, *Report of the Adjutant General*, 376-77. Floyd, a Virginian, was President James Buchanan's secretary of war from 1857 to 1861.

February 26, 1862,⁴⁶ he took his seat in the Confederate Senate and, along with Simms, stayed there for the rest of the war.⁴⁷ After the war, Burnett went to Washington and sought out President Andrew Johnson, an old friend from Congress, who told him to go home. However, Burnett was arrested in Louisville and, in Cadiz, was charged with treason by Federal authorities. Released on bond, he never stood trial.⁴⁸

Burnett resumed his law practice in Cadiz. However, his postwar career was cut short by cholera. On September 28, 1866, the ex-congressman died of that dreaded disease at the age of forty.⁴⁹ He is buried in the old East Side Cemetery in Cadiz. Surprisingly, Burnett's tombstone does not tell of his service to the South. Even so, he was one of Kentucky's most outstanding Confederate leaders.

⁴⁶*Journal of Congress*, II, 23; Ellis, *Report of the Adjutant General*, 376-77. Burnett resigned his commission on February 10, 1862.

⁴⁷Ellis, *Report of the Adjutant General*, 5, 13.

⁴⁸*Lawyers and Lawmakers*, 410.

⁴⁹*Ibid.*