



County Technical Assistance Service

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Witnesses and Parties

Dear Reader:

The following document was created from the CTAS electronic library known as e-Li. This online library is maintained daily by CTAS staff and seeks to represent the most current information regarding issues relative to Tennessee county government.

We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with county government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other e-Li material.

Sincerely,

The University of Tennessee
County Technical Assistance Service
226 Capitol Blvd. Suite 400
Nashville, TN. 37219
615-532-3555 phone
615-532-3699 fax
ctas@tennessee.edu
www.ctas.tennessee.edu

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Witnesses and Parties

Reference Number: CTAS-1307

Witnesses and parties to a suit cannot be served with any “writ, process, warrant, order, judgment, or decree in any civil cause” except as to a subpoena to testify as a witness while attending, going, or coming from the place of suit. T.C.A. § 24-2-105; *Hinkle v. Cravens*, 219 Tenn. 253 (1966). The privilege extends to corporate officers who come to testify as a witnesses, and they cannot be served with process in a suit against the corporation. *Sewanee Coal, Coke & Land Co. v. W.W. Williams & Co*, 120 Tenn. 339, 107 S.W.2d 968 (1907) (A resident of another state or county, who has in good faith come to testify as a witness, is exempt from service of process for the commencement of a civil action, either against him in his individual capacity or against a corporation of which he is an officer or agent.).

The travel exemption allows one day for every 30 miles of travel, which illustrates the fact that the privilege has been in effect since 1794. The privilege holds even where the individual has come from a foreign jurisdiction. *Sofge v. Lowe*, 131 Tenn. 626 (1915); *Purnell v. Morton Live Stock Co.*, 156 Tenn. 383 (1928).

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