1786 October  Court , Secretary of State papers,   “Early Records of North Carolina”.  File S.108.263 Raleigh Archives, microfilm.

From Latham Mark Phelps:  The below document refers to James' Will not being signed caused his estate to have an Administrator, as if he died without a Will. After the statements of the witnesses the Administration was revoked and the Executors put in place per the intent of the Will.

Transcription by Douglas K Phelps and Latham Mark Phelps, July, 2012

Last Will and Testament of James Phelps deceased in proved in manner following to wit, John Phelps of Halifax County, Virginia, maketh Oath that he wrote the said Will according to the Directions and desire of the Testator, that the Testator knowing the contents of the said Will, did Seal and Deliver the same and Declared that the same was his Last Will and Testament, that he was at the same time of Sound and Disposing Mind and Memory.  That this Witness  did not know that the said James Phelps, Inadvertently Neglected to Subscribe his Seal to the said Will, the said Sealing being not Attended to by any Person then Present, the said Sealing and Delivering being in the night time.

William Cromwell also maketh Oath that the Testator called upon him  to witness the said Will, that the said  Testator Sealed Delivered and Acknowledged the said Will to be and contain  his Last Will and Testament, that he the said William Cromwell, Sealed the same as a Witness and in the Presence of the Testator and that the Testator was at the same time of Sound  and Disposing Mind and Memory and this Witness did not know , but that the said Will had been signed by the Testator, the said Sealing and Acknowledgement being in the night time.

And Shadrack Hudson maketh Oath, that the Testator called up on him to Attest the said Will as a Witness, that the Testator Declared the said Will to be  and contain his Last Will and Testament that he the said Testator was at the same time of Sound and Disposing Mind and Memory, that this Witness did Subscribe his name as a Witness to the said Will in the Presence and at the request of the Testator,  that this Witness did not know or Observe that the said Will was not Signed by the Testator.

Ordered that the said Will be Admitted to Record, also Ordered that the Administration of the Estate of the said deceased  which  was Granted Last Term to Mary Phelps be revoked.

 Mary Phelps Executrix   William Phelps Executor

Named in the aforesaid Will, came into Court and qualified as such According to Law, Letters issued Accordingly.