

in rendering its decision was not honestly and fairly exercised, or that such decision was arbitrary, or procured by fraud, or unsupported by any substantial evidence, or was unreasonable, or that such decision was beyond the powers of the board, and was illegal. The case shall be heard by the court without the intervention of a jury. If in the opinion of the court it is impracticable to determine the question presented to the court, in the case on appeal, without the hearing of additional evidence, or if in the opinion of the court any qualified litigant has been deprived of the opportunity to offer evidence, or if the interests of justice otherwise require that further evidence should be taken, the court may hear such additional testimony to such extent and in such manner as may be necessary.

*(ii) In Prince George's County notwithstanding any other provision of this Article, but in addition thereto the Court may reverse or modify the decision of the Board of License Commissioners or remand the proceedings to the Board of License Commissioners if the Court should determine that the substantial rights of the petitioners ANY PARTY APPEALING, WHETHER PETITIONERS FOR A LICENSE OR OBJECTORS TO THE ISSUANCE OF A LICENSE OR ANY LICENSEE APPEALING FROM THE DECISION OF THE BOARD, may have been prejudiced because the findings, inferences, conclusions or decisions of the said Board were:*

- (1) In violation of Constitutional provisions;*
- (2) In excess of the statutory authority or jurisdiction of the agency; or*
- (3) Made upon unlawful procedure; or*
- (4) Affected by other error of law; or*
- (5) Unsupported by competent, material, and substantial evidence in view of the entire record as submitted; or*
- (6) Against the weight of competent, material and substantial evidence in view of the entire record, as submitted by the agency and including additional evidence taken in open court; or*
- (7) Unsupported by the entire record, as submitted by the agency and including additional evidence taken in open court; or*
- (8) Arbitrary or capricious.*

166.

(d)

(4) (i) If the court reverses the action of the local board it shall file with the papers a written statement of the reasons therefor. The court may modify, as well as affirm or reverse, the action of the local board. Costs shall be awarded as in other civil cases.

*(ii) In Prince George's County, in addition to the other powers of the court provided in this Article, the court may remand the proceedings to the local board.*

**SEC. 2.** *And be it further enacted, That this Act shall take effect June 1, 1957.*

Approved April 15, 1957.