If the given injury was inflicted while the servant was engaged in the performance of his duties, the mere fact that the particular conduct which caused it was incidental to the pursuit of some secondary object which concerned only the servant himself or a third person will not absolve the master from responsibility. Under such circumstances liability may still be imputed, if it appears that, at the time when the accident occurred the secondary object of the servant was being pursued concurrently and simultaneously with the discharge of his appointed functions.[8]

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acted cannot operate to excuse the defendant." Referring to a further contention on the part of the defendant, that "the bags, left as they were by the side of the road, became a public nuisance, and that he could not be liable for a public offence committed by his servant, the court observed that the servant "did not intend to create a nuisance. The case does not find that he intended any harm. All that can be said is, that he negligently left them while performing the business of the defendant, and for such negligence the defendant is of course liable. We think there is nothing in this claim." But the theory apparently here entertained by the court, that the master's liability is necessarily and invariably negatived, if it appears that the servant's misconduct amounted to a crime, is clearly untenable.

[8] In *Gracey v. Belfast Tramway Co.* (1901) 2 Ir. Rep. 322, two servants of the defendant company, having taken two horses out of its stables to ride them to a neighbouring forge to be shod, raced the animals furiously along the public road, and frightened the plaintiff's horse, the consequence being that the plaintiff was thrown out of her trap and injured. Held, that the defendant was liable for the negligence of its servants. Palles, C.B., observed: "If we eliminate what has been called 'the purpose of running a race,' admittedly they (the master) would be liable. In such a case, the act of bringing the horses to the forge would undoubtedly have been one in the course of their employment. No doubt in that case the sole purpose for which the act would have been done would have been a purpose of the masters. But the ground of the masters' liability in such a case would not have been based on any such subtlety as that of a single purpose, as distinguished from several purposes, but because the servants would have been doing their masters' business: *Story* v. *Ashton*, 10 B. & S. 340. The act would have been done for the master. What, then, is the effect of the servants being actuated by the second purpose; that of riding a race? This second purpose was consistent with the first. Although each servant urged the horse he was riding to go faster than the other horse, both were riding